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W.P.(MD)No.2542 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2542 of 2023

Ajay

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race course Road,
Madurai District.

2.The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 1st respondent herein to issue the passport in Application in File No.MD1064805390722 application dated 25.11.2022 and thereby issue the petitioner the passport within the time limit that may be stipulated by this Court.

For Petitioner : Mr.J.Vishnu

For R1 : Mr.H.Velavadhas
Senior Panel Counsel

For R2 : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)

**ORDER**

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Heard the learned counsel on either side.

2.The petitioner applied for issuance of passport. Since it was not being processed, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate appearing for the second respondent submitted the following criminal case particulars:

" 4.I humbly submit that it is revealed from the records that the petitioner has indulged in two criminal cases. The details of the case registered against the petitioner are tabulated hereunder:

<i>S.No.</i>	<i>Crime No. & Offence</i>	<i>Stage</i>
<i>1.</i>	<i>Crime No.296 of 2019, U/s. 147, 294(b) & 323 of IPC</i>	<i>Charge sheeted and not taken on file</i>
<i>2.</i>	<i>Crime No.316 of 2021 U/s8(c), 20(b)(ii)(B) of NDPS Act</i>	<i>Charge sheeted and not taken on file</i>

4. Since no proceeding is pending before any Court, there is no impediment for the first respondent to grant the relief sought for in the writ petition.



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5. However, the petitioner has to appear before the second respondent and file an affidavit indicating his contact details. The petitioner has to furnish his mobile phone details as well as email details. This is because if any final report is filed adverse to the petitioner and the same is taken on file by the jurisdictional Magistrate, it could be possible to serve summons on the petitioner. The petitioner also must give an undertaking that the prosecution initiated against him will not be stalled, on account of his absence from India. If necessary, the petitioner will have to execute Special Vakalath in future so that he can be represented in the proceedings.

6. The petitioner shall file such an affidavit before the second respondent within a period of three weeks from the date of receipt of a copy of this order. After the petitioner satisfies the first respondent that he has complied with the undertaking mentioned above, the first respondent shall process the petition mentioned application and reissue passport subject to fulfilment of the other usual formalities.



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7.This writ petition stands allowed. There shall be no order as to costs.

28.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Regional Passport Officer,
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Bharathi Ula Veethi,
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Madurai District.
- 2.The Inspector of Police,
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G.R.SWAMINATHAN,J.

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