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W.P.(MD)No.2554 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.2554 of 2023

M.Rajkumar

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Town North Police Station,
Dindigul.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue passport to the petitioner based on his application bearing file No. MD1064802589522 dated 25.11.2022 within a time frame that may be fixed by this Court.



For Petitioner : Mr.P.Manikandan
For R1 : Mr.J.Alaguram Jothi
Senior Panel Counsel
For R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

* * *

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. Since criminal cases are pending against the petitioner, his passport application has not been processed. That led to the filing of this writ petition.

3.When the matter was taken up for hearing, the learned Government Advocate appearing for the second respondent submitted that one criminal case is pending against the petitioner and that final report has been filed in before the Judicial Magistrate, Dindigul and that cognizance is yet to be taken.

4.It is well settled that pendency of criminal case in FIR stage is not an impediment for issuance of passport. In this case since



cognizance has not been taken, I have to proceed on the premise that there is no criminal proceedings pending on the file of any Court as of now. There is no impediment for the first respondent to grant relief sought for in the writ petition.

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.

7. This writ petition is allowed on these terms. No costs.

28.02.2023

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

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To

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Town North Police Station,
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G.R.SWAMINATHAN,J.

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