



W.P(MD)No.2666 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2666 of 2023

R.Annamalai

... Petitioner

Vs

1.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Y.Othakadai,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to renew the petitioner's passport No.Z2075130 based on the petitioner's application dated 19.12.2022 within the time frame stipulated by this Court.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.R.Arjunarajan
Senior Panel Counsel for R.1



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W.P(MD)No.2666 of 2023

Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.2

ORDER

Heard the learned counsel on either side.

2.The petitioner was holding an Indian passport. He seeks renewal of the same. Since the petitioner got involved in a criminal case, the first respondent did not process the petitioner's application. Hence the present writ petition has been filed.

3.The learned Government Advocate (Criminal Side) appearing for the second respondent submitted that the criminal case registered against the petitioner is still at the FIR stage. Since the case is pending only at the FIR stage, there is no impediment for the first respondent to grant the relief sought for in the writ petition.

4. 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



W.P(MD)No.2666 of 2023

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.

5. 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 informs the first respondent that he has complied with the terms set out in the aforesaid undertaking, the first respondent shall process the petition mentioned application and reissue passport subject to fulfilment of the other usual formalities.

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

01.03.2023

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

Note: Issue Order Copy on 10.03.2023.

To

1.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road, Madurai – 625 002.



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W.P(MD)No.2666 of 2023

G.R.SWAMINATHAN, J.

MGA

2.The Inspector of Police,
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W.P(MD)No.2666 of 2023

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