



W.P(MD)No.2677 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.2677 of 2023

Seeni Naina Mohamed

... Petitioner

Vs

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

2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(In Crime No.289 of 2022)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to renew / reissue the petitioner passport bearing No.L5472042 on the basis of petitioner's renewal application No.MD1075015833523 dated 30.01.2023 pending on the file of the first respondent in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.A.Mohan

For Respondents : Mr.B.Rajesh Saravanan
Senior Panel Counsel for R.1

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



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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.

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.



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Regional Passport Officer,
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Race Course Road,
Madurai – 625 002.
- 2.The Inspector of Police,
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