



W.P.(MD)No.3017 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3017 of 2023

R.Arunpandiyan

... Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Regional Passport Office,
Race Course Road,
Madurai,
Madurai District - 625 002.

2.The State represented by
Sub Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue/renewal passport to the petitioner on his application pending on File No. MD1075006468923 before the 1st respondent and pass order within the stipulated period as fixed by this Court.

For Petitioner	: Mr.S.Arunnithy
For R1	: Mr.M.P.Paul pandi Senior Panel Counsel
For R2	: Mr.B.Thanga Aravindh Government Advocate (Crl.side)



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W.P.(MD)No.3017 of 2023

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. He submitted an application. After verification, the impugned communication came to be issued. Hence the present writ petition has been filed.

3.The learned Government Advocate (Criminal Side) appearing for the second respondent submitted that the charge sheet in the criminal case has been filed and yet to be taken on file.

4.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. 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,



W.P.(MD)No.3017 of 2023

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 two 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.

6.This writ petition stands allowed. No costs.

02.03.2023

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

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W.P.(MD)No.3017 of 2023

G.R.SWAMINATHAN,J.

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To

- 1.The Regional Passport Officer,
Madurai Regional Passport Office,
Race Course Road,
Madurai,
Madurai District - 625 002.
- 2.The Sub Inspector of Police,
Keelavalavu Police Station,
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W.P.(MD)No.3017 of 2023

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