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W.P.(MD)No.3053 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3053 of 2023

and

W.M.P.(MD)No.2853 of 2023

Arokiyasaamy

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
7th Cross Thillai Nagar,
Trichy - 18.

2.The Inspector of Police,
Karambakudi Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned show cause notice issued by the 1st respondent dated 13.01.2023 and quash the same and consequently directing the 1st respondent to renewal of Passport in Application No. TR 1074910847522 based on petitioners application dated 27.12.2022 within the time stipulated by this Honble Court.



For Petitioner : Mr.N.Kamesh
For R1 : Mr.S.Jeyasingh
Senior Panel Counsel
For R2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

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.

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, 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 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. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

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To

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