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W.P.(MD)No.3194 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.3194 of 2023

and

W.M.P.(MD)No.2972 of 2023

Thanveer Ahamed

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar, 7th Cross,
Tiruchirapalli - 620018.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Pudukkottai.

3.The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
(In Crime No.102 of 2022)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref. No. SCN/313326463/22 dated 15.09.2022 passed by the respondent No.1 and quash the same as illegal, consequently directing the respondent No.1 to reissue the



passport to the petitioner forthwith based on his application in File No. TR1064508911722 dated 19.08.2022.

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For Petitioner : Mr.A.Mohamed Riyaz
For R1 : Mr.R.Murugappan
For R2 & 3 : 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 and third respondents submitted that the criminal case registered against the petitioner and final report has been filed before the jurisdictional Magistrate Court, but it was not 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 third 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 third 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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To

- 1.The Regional Passport Officer,
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Thillai Nagar, 7th Cross,
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G.R.SWAMINATHAN, J.

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