



W.P.(MD)No.3457 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.3457 of 2023

Muthuswamy Pitchainadar

... Petitioner

Vs

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

2.The Inspector of Police,
South Tharamaraikulam Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to process the application of the petitioner vide no. MD2064949324923 and issue passport to the petitioner within a time fixed by this court.

For Petitioner : Mr.M.P.Senthil

For R1 : Mr.M.Karthikeyavenkitachalapathi
Senior Panel Counsel

For R2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. 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 a criminal cases was 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 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



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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 issue passport subject to fulfilment of the other usual formalities.

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

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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