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W.P.(MD)No.3439 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.3439 of 2023

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... Petitioner

Vs

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

2.The Superintendent of POLice,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli 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 issue passport against the petitioners application vide file no. MD 2074293334322 dated 15.06.2022.

For Petitioner : Mr.K.P.Narayanakumar

For R1 : Mr.H.Velavadhas
Senior Panel Counsel

For R2 & R3 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

**ORDER**

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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 and third respondents submitted that three criminal cases were 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 issue 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

- 1.The Regional Passport Officer,
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