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W.P.(MD)No.3489 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.3489 of 2023

Nithya Selvam

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Bhaathi Ula Veedhi,
Race Course Road,
Madurai.

2.The Inspector of Police,
PEW Police Station,
Sivagangai District.
Cr.No.217/2018.

... 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 the renewal the passport to the petitioner file no. MD1064857368922 dated 12.12.2022.

For Petitioner	: Mr.P.Aju Tagore
For R1	: Mr.V.Malaiyendran Central Government Standing Counsel
For R2	: Mr.B.Thanga Aravindh, Government Advocate (Crl. Side).

**ORDER**

Heard the learned counsel on either side.

2. The petitioner seeks re-issuance of passport. He submitted an application before the first respondent. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing counsel submitted that the petitioner is shown as an accused in Crime No.120 of 2022 registered on the file of the second respondent and it is culminated into S.T.C.No.2256 of 2022 before the learned Judicial Magistrate, Thiruppathur.

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.

5. 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 in India. If necessary, the petitioner will have to execute Special Vakalath in future so that he can be represented in the proceedings.

6. 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 complies with the terms set out in the aforesaid undertaking, the first respondent is directed to process the petition mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

02.03.2023

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

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G.R.SWAMINATHAN,J.

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