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W.P.(MD)No.3579 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.3579 of 2023

A.Nasarkhan Abdul Wahappu

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
New Delhi.

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

3.The Inspector of Police,
Thondi Police Station,
Thondi,
Tiruvadanai Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondents impugned connection No. SCN/314285459/23 dated 16.02.2023 and quash the same and



consequently direct the 2nd respondent to renewal of passport bearing No. K0866775 to the petitioner by considering the petitioners application No. MD1075040914323 dated 06.02.2023 and for such other reliefs, within a period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali
For R1 and R2 : Mr.G.Thalaimutharasu
Senior Panel Counsel
For R3 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks reissuance 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.339 of 2022 registered on the file of the third respondent and the same is under investigation.



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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 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 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 third 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



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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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New Delhi.
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G.R.SWAMINATHAN,J.

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