



W.P.(MD)No.3667 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3667 of 2023

Ramesh

... Petitioner

Vs.

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

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents more particularly the 1st respondent to renew the passport of the petitioner based on his application dated 17.09.2021 pending in File No.MD1073582197921 before the 1st respondent by accepting the oral explanation given by the petitioner within a time frame.

For Petitioner : Mr.D.Venkatesh

For R1 : Mr.G.Rajaraman
Central Government Standing Counsel

For R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



W.P.(MD)No.3667 of 2023

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks 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 A1 in Crime No.102 of 2020 registered on the file of the second respondent. However, he admitted that final report is yet to be filed.

4. The learned Government Advocate filed counter affidavit, indicating the following particulars:

"4. I humbly submit that it is revealed from the records that the petitioner has indulged in two criminal cases. The details of the case registered against the petitioner are tabulated hereunder:



W.P.(MD)No.3667 of 2023

Sl. No.	Crime No. & Offences	Stage
1.	Crime No.102 of 2020, U/s. 269 & 188 of IPC r/w Sec.12 of Tamil Nadu Gaming Act	Charge sheeted before the Learned Judicial Magistrate, Thiruvadanai and not taken on file
2	Crime No.06 of 2023 U/s.12 of Tamil Nadu Gaming Act	Charge sheeted in S.T.C.No. 24 of 2023 before the Learned Judicial Magistrate, Thiruvadanai and disposed in view of guilty petition.

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.

4. Considering the nature of the allegations against the petitioner, I direct the first respondent to process the petitioner's application and issue passport to the petitioner as expeditiously as possible. 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



W.P.(MD)No.3667 of 2023

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.

5. 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

pnn



W.P.(MD)No.3667 of 2023

WEB COPY To

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.



WEB COPY



W.P.(MD)No.3667 of 2023

G.R.SWAMINATHAN,J.

pnn

W.P.(MD)No.3667 of 2023

02.03.2023