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W.P.(MD)No.3755 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.3755 of 2023

S.Mohamed Aslam

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Municipal water Tank Building,
W.B.Road,
Tiruchirapalli - 620008.

2.The Superintendent of Police,
O/o. the superintendent of police,
Pudukkottai.

3.The Inspector of Police,
Adirampattinam police station,
Thanjavur District,
(In Crime No.763 of 2021).

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records pertaining to the impugned notice in Letter Ref. No: SCN/311986985/22 dated 04.01.2022 passed by the respondent No.1 and quash the same as illegal, consequently directing the respondent No.1 to reissue the



passport to the petitioner forthwith based on his application in File No.TR1073778733521 dated 07.12.2021.

For Petitioner : Mr.A.Mohamed Riyaz
For R1 : Mr.K.R.Laxman
Senior Panel Counsel
For R2 and R3 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

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.763 of 2021 registered on the file of the third respondent. However, he admitted that final report has been filed before the learned Judicial Magistrate, Pattukottai and the same is yet to be taken on file.



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4. Since cognizance is yet to be taken, 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 petition mentioned application and issue passport subject to fulfilment of



the other usual formalities. This writ petition stands allowed. No costs.

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02.03.2023

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

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To

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G.R.SWAMINATHAN,J.



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