



W.P.(MD)No.3864 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.3864 of 2023

Murugesh

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirapalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli - 620 018.

2.The Inspector of Police,
K.Puduppatti Police station,
K.Puduppatti,
Pudukkottai District.

... 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 re-open the petitioner's Passport Application File No.TR2063631171121 dated 07.10.2021 and issue a passport to him by processing his application based on his explanation / representation dated 22.02.2023 within a time limit stipulated by this Court.



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For Petitioner : Mr.E.Balasubramanian
For R1 : Mr.V.J.Kumaravel
Senior Panel Counsel
For R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

Heard the learned counsel on either side.

2.The police authorities did not have anything adverse to say against the petitioner. However, the learned Standing Counsel for the first respondent states that the application given by the petitioner was already closed. The petitioner is therefore directed to submit a fresh application. On such application being filed, the same shall be processed as expeditious and the passport shall be issued to the petitioner subject to fulfilment of other formalities.

3. The learned Government Advocate appearing for the second respondent states that only one case is pending against the petitioner and it is only at the FIR stage.



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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. 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 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



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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.

7.This Writ Petition is allowed. No costs.

02.03.2023

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

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To

- 1.The Regional Passport Officer,
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Tiruchirapalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli - 620 018.
- 2.The Inspector of Police,
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G.R.SWAMINATHAN,J.

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