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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4490 of 2023

Manikandan ... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bhrathi Ula Veethi,
Race Course Road,
Madurai - 2.

2.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue the Passport to the petitioner considering the Application in File No.MD1075063471123 dated 10.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Poornachandran

For Respondents : Mr.S.Jeyasingh,
Senior Panel Counsel for R1.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R2.

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ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. He submitted an application. After verification, the impugned communication came to be issued. Hence the present writ petition has been filed.

3.The learned Government Advocate (Criminal Side) appearing for the second respondent submitted that the criminal case registered against the petitioner is still at the FIR stage. 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. 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 from India. If

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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 satisfies the first respondent that he has complied with the undertaking mentioned above, the first respondent shall process the petition mentioned application and reissue passport subject to fulfilment of the other usual formalities.

6.This writ petition stands allowed. No costs.

03.03.2023

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

The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

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G.R.SWAMINATHAN, J.

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