



W.P.(MD)No.11613 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11613 of 2023

Praveen

... Petitioner

-Vs-

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Tiruchirappalli-620 008.

2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

..Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to issue passport to the petitioner by processing his application in file No.TR108661425322 based on the explanation/representation dated 02.05.2023 within a time limit stipulated by this Court.

For Petitioners : Mr.B.Anandan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2.The petitioner applied for issuance of passport. The application was not processed in view of the implication of the petitioner in Crime No.1448 of 2020 on the file of the second respondent police.

3.When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents clarified that final report has been filed and it is yet to be taken on file. I therefore, proceed on the presumption that no proceedings is pending against the petitioner before any criminal Court. There is no impediment for the first respondent to process the petition mentioned application and issue passport to the petitioner.

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 the final report filed against the petitioner is taken on



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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 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 issue passport subject to fulfilment of the other usual formalities.

6. This writ petition stands allowed. There shall be no order as to costs.

11.05.2023

Index : Yes/No
Internet : Yes/No
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G.R.SWAMINATHAN, J.

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