



W.P.(MD)No.11682 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11682 of 2023

Visva

... Petitioner

versus

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Racecourse Road,
Madurai-2.

2. The Inspector of Police,
Kottampatti Police Station,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the first respondent to issue the Passport to the petitioner considering the application in File No.MD1065275409323 dated 18.04.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Poornachandran
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. Apprehending that on account of his involvement in Crime No.791 of 2020 on the file of the Kottampatti Police Station, his application may not be processed, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the jurisdictional Police Station submitted that though final report has been filed, it is yet to be taken on file. Since no proceeding is pending against the petitioner before any Criminal Court, there is no impediment for the first respondent to grant the relief sought for in the writ petition.



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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 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.



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

12.05.2023

ogy/sji

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Regional Passport Officer,
Regional Passport Office,
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2. The Inspector of Police,
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