



W.P.(MD)No.11827 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.11827 of 2023**

**and**

**W.M.P.(MD)Nos.10222 and 10224 of 2023**

P.Rajeshkannan

... Petitioner

versus

1. The Regional Passport Officer,  
O/o. Regional Passport Office,  
Thiruchirappalli.
2. The Superintendent of Police,  
Thanjavur.
3. The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the impugned clarification under Letter Ref.No.OBJ/314371223/23 dated 03.03.2023 issued by the first respondent and to quash the same as unwarranted and unlawful and further direct the first respondent



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herein to issue Passport under File No.TR1065004944123, to the petitioner herein, within a time frame as fixed by this Court.

For Petitioner : Mr.A.S.Krishnan

For R1 : Mr.A.Srinivasan,  
Central Government Standing Counsel

For R2 & R3 : Mr.V.Senthil Ayyanar  
Government Advocate

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner submitted an application for issuance of passport. The first respondent issued the impugned communication, calling upon the petitioner to appear for enquiry. In my view, this communication does not call for any interference. However, the petitioner apprehends that in view of his involvement in Crime No.179 of 2022 on the file of the Thanjavur Taluk Police Station, his application may not be considered.



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3. When the matter was taken up for hearing, the learned

Government Advocate for the respondents 2 and 3 clarified 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 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 from India. If necessary, the petitioner will have to execute Special Vakalath in future so that he can be represented in the proceedings.



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5.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 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. Consequently, connected miscellaneous petitions are closed.

**12.05.2023**

ogy/sji

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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**G.R.SWAMINATHAN, J.**

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