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W.P.(MD) No.11802 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.05.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11802 of 2023

Balraj

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Trichy.

2. The Inspector of Police,
Panayapatti Police Station,
Pudukottai District.
(Impleaded *suo motu vide* this order
dated 11.05.2023)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to renew the passport of the petitioner bearing No.L2572439 by graciously considering his representation dated 12.04.2023, within the stipulated time as may be fixed by this Hon'ble Court.



W.P.(MD) No.11802 of 2023

WEB COPY

For Petitioner : Mr.R.Sivalingam
For Respondents : Mr.Asok Kumar
Standing Counsel for R1
Mr.V.Nirmal Kumar
Government Advocate for R2

ORDER

The Inspector of Police, Panayapatti Police Station, Pudukottai District, is *suo motu* impleaded as the second respondent.

2. Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the second respondent.

3. Heard the learned counsel on either side.

4. The petitioner seeks renewal of passport. It is not in dispute that the criminal case registered against the petitioner is pending at the FIR stage. There cannot be any impediment to process the petitioner's application.



W.P.(MD) No.11802 of 2023

WEB COPY

5. 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.

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 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 renew passport subject to fulfilment of the other usual formalities.



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costs.

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

W.P.(MD) No.11802 of 2023



11.05.2023

NCC :No
Internet :Yes
Index :No
PKN

To

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Regional Passport Office,
Trichy.

2. The Inspector of Police,
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W.P.(MD) No.11802 of 2023

G.R.SWAMINATHAN, J.

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W.P.(MD)No.11802 of 2023

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