



W.P.(MD).No.12291 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12291 of 2023

and

W.M.P(MD)No.10474 of 2023

Sujath

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Avaniapuram Police Station,
Madurai City.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings Nil, dated 28.03.2023 and set aside the same and consequent direction may be issued to the first respondent to issue passport to the petitioner after getting undertaking from the petitioner and also NOC from the trial Court on the application No. MD1063608237321.

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For Petitioner	: Mr.T.A.Ebenezer
For R – 1	: No appearance
For R – 2	: Mr.V.Om Prakash Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent by proceedings Nil, dated 28.03.2023 with a consequential direction to the first respondent to issue passport to the petitioner, after getting undertaking from the petitioner and also NOC from the trial Court on the application No.MD1063608237321.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the second respondent.

3.There is no representation for the first respondent.



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4.The petitioner's son has completed his Higher Secondary School and he intends to pursue his studies in abroad and he also obtained a passport. For the purpose of visiting his son, the petitioner applied for passport before the first respondent in application No.MD1063608237321 and the same was closed due to the adverse remarks received regarding the pendency of the case in Crime No.1950 of 2017 on the file of the second respondent.

5.Mr.V.Om Prakash, learned Government Advocate appearing for the second respondent submitted that charge sheet has been filed and the same has been taken cognizance in C.C.No.401 of 2018, on the file of the I Additional Subordinate Court, Madurai and the case is pending for prosecution side witnesses for more than three years.

6.In this case, FIR has culminated in filing a final report and hence, it is necessary to get permission from the jurisdictional Court for issuance of passport. Hence, the petitioner is directed to approach the concerned Court for getting NOC from the jurisdictional Court for the petitioner to obtain passport and travel abroad for a



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specified time and after receipt of the same, the first respondent may consider the application of the petitioner and issue passport to the petitioner. The trial Court is directed to expedite the trial and complete the same within a period of six months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.05.2023

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

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L.VICTORIA GOWRI, J.

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