



WP(MD)No.18757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD).No.18757 of 2023

Satheesh Kumar

... Petitioner

Vs

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

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to renewal the passport application of the petitioner in reference No.DEI825703767123 dated 17.03.2022 within a time limit that may be fixed by this Court.



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WP(MD)No.18757 of 2023

For Petitioner : M/s.R.Vennila
For R1 : Mr.V.S.Karthick
Central Government Standing Counsel
For R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The petitioner's application for renewal of passport was not considered by the Passport Authority on the ground that a criminal proceeding is pending as against this petitioner before the Criminal Court.

2. The petitioner was already issued with a passport No.L1463229 and the same is valid up to 09.04.2023. The petitioner was working in Dubai (UAE). The petitioner has applied for renewal of his passport on 17.03.2023. The same was not considered by the first respondent. Based on the application of the petitioner and also the police verification report, the first respondent has issued a notice to this petitioner that criminal case in C.C.No.164 of 2015 is pending as against



WP(MD)No.18757 of 2023

the petitioner before the learned Judicial Magistrate, Melur. The petitioner was not aware of the proceedings and now he is prepared to come and appear before the learned Judicial Magistrate, Melur for the hearing and for that purpose, he needs a transit passport and has filed this writ petition for a mandamus directing the first respondent to renew the passport application No.DEI825703767123, on 17.03.2023.

3. It is reported that criminal case has been registered as against the petitioner and it has also been charge-sheeted and pending for trial before the learned Judicial Magistrate, Melur in C.C.No.164 of 2015. The petitioner was directed to file an affidavit of undertaking that he would come and appear before the learned Judicial Magistrate, Melur for the hearing regularly and co-operate for trial. The petitioner has also filed an affidavit to that effect.

4. Considering the facts and circumstances of the case, the writ petition is partly allowed with a direction to the petitioner to submit



WP(MD)No.18757 of 2023

an application before the Passport Authority attached with Embassy of United Arab Emirates within a period of twelve weeks from the date of receipt of a copy of this order and in that event, the authorities shall consider the said application for the purpose of issuing a transit passport to the petitioner enabling him to return to India for the purpose of appearing before the learned Judicial Magistrate, Melur in C.C.No.164 of 2015, which is pending as against this petitioner. After return, the petitioner is also granted liberty to file a fresh application for renewal of passport before the competent authority and the same shall be considered based on the no objection certificate, if any, issued by the concerned Judicial Magistrate. No costs.

07.08.2023

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

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B.PUGALENDHI, J.

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