



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.21379 of 2023

J.Mohamed Adam

... Petitioner

v.

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

2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to issue passport to the petitioner based on his application No.MD1065565961523 dated 12.07.2023 within a stipulated time frame fixed by this Court.

For Petitioner : Mr.C.Nihil Nandha

For Respondents : Mr.K.Govindarajan for R1

Mr.A.Albert James,

Government Advocate for R2



ORDER

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Heard both sides.

2.The petitioner is figuring an accused in Crime No.98 of 2020 on the file of the Ilayangudi Police Station. The petitioner has given assylum to foreign Tablighees during Covid pandemic. The case has been charge sheeted and pending before the Judicial Magistrate, Ilayangudi in C.C No.35 of 2020.

3.Considering the over all facts and circumstances, since there is no other impediment, the first respondent shall process the petition-mentioned application. The petitioner has to appear before the jurisdictional police and file an affidavit indicating his contact details. The petitioner apart from furnishing his residential address must also give his WhatsApp mobile number, e-mail ID. This is because, if any adverse final report is filed and the same is also taken on file by the jurisdictional criminal court, it should be possible to serve summons on the petitioner with the available details. The petitioner shall give an undertaking that the prosecution initiated against him will not be stalled on account of his absence from India. He should undertake that summons can be served on him through E-mail/WhatsApp. If necessary, the petitioner will have to execute a special vakalat in future so that he can be



represented by his counsel in the proceedings in terms of Section 205 of

Cr.P.C.

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4. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall process the petition-mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
skm

To

1. The Regional Passport Officer,
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G.R.SWAMINATHAN, J.

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