



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.23397 of 2023

and

WMP(MD)No.19601 of 2023

Arun Selvam

... Petitioner

v.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned communication issued by the 1st respondent in his proceedings in Letter ref No.SCN/313847097/22 dated 02.12.2022, and quash the same as illegal and consequently directing the 1st respondent to issue passport based on petitioner's application No.MD1064778003122 within a stipulated time limit.



For Petitioner : Mr.RT.Arivukumar

For Respondents : Mr.A.Srinivasan for R1

Mr.A.Albert James,
Government Advocate for R2

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that in the criminal case registered against the petitioner, final report has been filed but it is yet to be taken on file.



4. Even though final report has been filed, since it is yet to be taken on file, one has to proceed on the premise that there is no proceeding pending before any criminal Court against the petitioner within the meaning of the statutory provision.

5. 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.



WEB COURT

6. 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. Connected miscellaneous petition is closed.

22.11.2023

Index : Yes / No
Internet : Yes/ No
skm

To

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G.R.SWAMINATHAN, J.

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