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W.P.(MD)NO.25120 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25120 of 2023

Roshandurai

... Petitioner

Vs.

1. The Regional Passport Officer,
O/o.the Regional Passport Office,
Trichy Municipal Water Tank Building,
W.B.Road, Trichy.

2. The Inspector of Police,
Madukkur police station,
Thanjavur,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to renew/ reissue the petitioner's passport on the basis of the petitioner's application dated 12.11.2021 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu

For R-1 : Mr.S.Paramasivam

For R-2 : Mr.A.Albert James,
Government Advocate.

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**ORDER**

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Heard both sides.

2. The petitioner applied for re-issuance of passport. It was pending because the police clearance certificate was not issued. Hence, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the petitioner is involved in a murder case. But then the offence was committed, when the petitioner was juvenile. Final report was filed before juvenile Court and it is yet to be taken on file.

4. Such cases are not considered as the proceedings are said to be pending before the Court concerned. Therefore, there is no impediment for the Regional Passport Officer to grant relief.

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.

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 re-issue passport subject to fulfilment of the other usual formalities. In any event, the first respondent shall re-issue the passport to the petitioner by restricting the validity period of three years. This writ petition is allowed on these terms. No costs.

12.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

PMU

To:

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