



W.P(MD)No.28245 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28245 of 2022

Thirumaran

... Petitioner

Vs.

1.The Regional Passport Officer,
Ministry of External Affairs,
Madurai.

2.The Superintendent of Enquiry Officer,
The Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Court Road,
Madurai – 625 002,
Tamil Nadu.

3.The Inspector of Police,
Sellur Police Station,
Madurai District.

4.The Inspector of Police,
S.S.Colony Police Station,
Madurai District.

5.The Inspector of Police,
Thilagarthidal Police Station,
Madurai District.

... Respondents



W.P(MD)No.28245 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and respondents to issue Passport on the petitioner's application with File No.MD1074435353322 dated 26.07.2022 based on the petitioner's representation dated 16.09.2022.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mrs.L.Victoria Gowri,
Asst. Solicitor General for R1 & R2.

Mr.R.Sivakumar,
Govt. Advocate (Crl. Side) for R3 to R5.

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. Apprehending that his application may not be considered in view of pendency of criminal cases registered against him, the present writ petition has been filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the State Police filed a statement indicating



W.P(MD)No.28245 of 2022

the status of the cases registered against the petitioner. The statement reads as follows:-

SL. No.	Station	Cr. No.	Section of Law	Stage
1	C3 S.S.Colony (L & O) P.S.,	433/21	504 IPC @ 504, 505(ii) IPC	PT (CC 548/21 by JM-V Court, Hg; 02.02.23 for fresh summon)
2	Madurai District, Silaiman P.S.,	473/21	147, 294(b), 353, 506(i) IPC & 3 of TNPPDDL Act	Charged on 25.01.2022 and yet to take to the file.
3	C5 Karimedu (L&O) P.S.,	605/17	151 CrPC	Action dropped on 01.08.2017
4	C5 Karimedu (L&O) P.S.,	1596/07	143, 188 IPC	Action dropped on 19.09.2007
5	E3 Mathichiyam (L&O) P.S.,	961/14	143, 188, 341 IPC	Conviction (Fined Rs. 2,000/- vide STC No. 87/2015 by JM-II, Madurai on 20.07.2015)
6	D2 Sellur (L&O) P.S.,	1559/18	143, 188 IPC	UI
7.	D1 Thallakulam (L&O) P.S.,	605/17	151 CrPC	Action dropped on 22.10.2013
8.	C4 Thilagarthidal (L&O) P.S.,	177/19	143, 341 IPC	PT (STC No.1850/2020 by JM-I Court, Hg:01.02.23 for fresh summon)
9.	C4 Thilagarthidal (L&O) P.S.,	1392/12	151 CrPC	Action dropped on 07.11.2012
10.	B1 Vilakkuthoon (L&O) P.S.,	1007/15	4(1) of TNOPPD Act	Convicted (fined Rs.500/- STC No.55/2017 by JM-I Court, Madurai on 08.04.2017)



W.P(MD)No.28245 of 2022

11.	Theni P.S.,	1090/21	147, 148, 294(b), 307, 323, 324, 341 IPC @ 147, 148, 294(b), 307, 323, 324, 341, 34 IPC	PT(SC 96/22 by Principal Sessions Court, Theni on 06.09.2022 Hg: 20.01.23 for Evidence.
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4.The question is whether in view of the above, the petitioner's request should be negatived. The learned counsel for the petitioner draws my attention to the order dated 01.08.2022 made in W.P.(MD)Nos.14010 and 15143 of 2022 (S.P.Udayakumar Vs. The Govt. of India and another). In the said case, I had held that cases of political activists should be approached from a different perspective and that passport can be directed to be issued, if the Court is satisfied that the petitioner is not a flight-risk.

5.From the materials placed on record, I come to the conclusion that the petitioner is having roots in Madurai region and that there is no prospect of his fleeing. The petitioner is founder-head of a party by name South India Forward Bloc. The petitioner is directed to enter appearance in C.C.No.548 of 2021 on the file of learned Judicial Magistrate No.V, Madurai. The next hearing date is 02.02.2023. The petitioner shall appear either in person or through counsel on the said date before the said Court. In other words, the said case will not be



W.P(MD)No.28245 of 2022

adjoined for the purpose of serving summon on the petitioner. The petitioner through his counsel gives an undertaking that he will comply with the aforesaid undertaking. This undertaking is recorded.

6.As regards Crime No.473 of 2021 on the file of Silaiman Police Station, if cognizance is taken and summon is issued, the petitioner shall enter appearance in the said case also.

7.Regarding S.T.C.No.1850 of 2020, the petitioner is directed to enter appearance in S.T.C.No.1850 of 2020 on the file of learned Judicial Magistrate No.I, Madurai. The next hearing date is 01.02.2023. The petitioner shall appear either in person or through counsel on the said date before the said Court. In other words, the said case will not be adjourned for the purpose of serving summon on the petitioner. The petitioner through his counsel gives an undertaking that he will comply with the aforesaid undertaking. This undertaking is recorded.

8.The petitioner gives a further undertaking that the progress in S.C.No.96 of 2022 on the file Principal Sessions Court, Theni will not be stalled on account of his absence.



W.P(MD)No.28245 of 2022

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9.The petitioner shall file an affidavit to that effect before this Court. In view of the undertaking of the writ petitioner to file an affidavit on the lines mentioned above before this Court, I direct the first respondent to process the petition mentioned application and issue passport to the petitioner after complying with the other usual formalities.

10.The writ petition is allowed on these terms. No costs.

19.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The Inspector of Police,
Sellur Police Station,
Madurai District.
- 2.The Inspector of Police,
S.S.Colony Police Station,
Madurai District.
- 3.The Inspector of Police,
Thilagarthidal Police Station,
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W.P(MD)No.28245 of 2022



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W.P(MD)No.28245 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.28245 of 2022

19.01.2023