



W.P(MD)No.28314 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28314 of 2022

Rakkappan Marimuthu

... Petitioner

Vs.

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

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai – 630 561.

... Respondents

*(R2 is impleaded vide order dated
01.02.2023 in W.M.P.(MD)No.1022 of 2023
in W.P.(MD)No.28314 of 2022 by GRSJ).*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to reissue the passport to the petitioner based on the petitioner's passport Application in ARN 22-1012540199 dated 31.10.2022 within a specific time frame as may be fixed by this Court.



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For Petitioner : Mr.Paraloga Vignesh

For Respondents : Mr.V.Malaiyendran,
Standing Counsel 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 the criminal case registered against the petitioner is pending at the FIR stage.



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4.It is well settled that when the case is pending only at the FIR stage, 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.



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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.

22.11.2023

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

The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai – 630 561.



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G.R.SWAMINATHAN, J.

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