



W.P(MD)No.28464 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28464 of 2022

Ariharan Karuppaiyah

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thiruchirapalli-620 018.

2.The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukkottai 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 in petitioner's favour on the basis of his passport application No. TR2064452814522, dated 01.08.2022, within the time stipulated by this Court.

For Petitioner : Mr.K.C.Maniyarasu

For R-1 : Mr.R.Vijayarajan
Senior Panel Counsel

For R-2 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

Heard the learned Counsel on either side.

2. The petitioner applied for issuance of passport. Since he was implicated in a criminal case, he was apprehensive that his application may not be processed that lead to the filing of the present writ petition.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the petitioner is shown as an accused in Crime No.288 of 2019 on the file of the Aranthangi Police Station and that final report was filed before the learned Judicial Magistrate, Aranthangi on 27.08.2019. He however added that cognizance is yet to be taken. Since for more than three years, cognizance has not been taken. I proceed on the premise that no proceeding is pending before the jurisdictional Magistrate.

4. The learned Counsel for the petitioner on instructions gives an undertaking that he will keep track of the proceedings before the learned Judicial Magistrate, Aranthangi and if cognizance is taken against the petitioner and summons is issued, he will enter appearance through Counsel. He will file petition under Section 205 of Cr.P.C. He will ensure that on account of his



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absence or his being away from India, the proceedings will not be stalled or affected. I make it clear that if this undertaking is breached, this Court will not hesitate to initiate contempt proceedings against the petitioner or direct the first respondent to impound the petitioner's passport. In view of the undertaking given by the petitioner, the first respondent is directed to process the petitioner's application and issue passport to the petitioner as expeditiously as possible subject to fulfillment of the other usual formalities. This writ petition stands allowed. There shall be no order as to costs.

10.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

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Regional Passport Office,
New Municipal Complex,
Thiruchirapalli-620 018.
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G.R.SWAMINATHAN, J.

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