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W.P.(MD)NO.28396 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28396 of 2022

Vijayakumar

... Petitioner

Vs.

1. The Director,
Ministry of External Affairs Government of India,
Room No.3, Patiala House Annexe,
CPV Division, Ministry of External Affairs,
Tilak Marg, New Delhi – 110 001.
2. The Principal Secretary,
Ministry of External Affairs Government of India,
No.68, College road, E.V.K.Sampath Maaligai,
7th Floor, Nungambakkam,
Chennai – 600 006.
3. The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli.
4. The Regional Passport Officer,
Passport Seva Kendra,
New No.201/7D, Old No.201/7,
Next to Kumaran Theater, Medical College Road,
Sundaram Nagar,
Thanjavur – 613 007.
5. The Inspector of Police,
Adiramapattinam police station,
Thanjavur District.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re-considering petitioner's application No.TR1073924775122 dated 01.02.2022 and to take necessary steps to re-issue passport on the basis of the representation dated 18.11.2022 submitted by petitioner in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R-1 to R-4 : Mrs.L.Victoria Gowri,
Assistant Solicitor General of India.

For R-5 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks re-issuance of passport. He gave an application on 18.11.2022. The petitioner's apprehension is that in view of his involvement in Crime No.178 of 2019 on the file of Adiramapattinam police station, his application may not be processed. That led to the filing of this writ petition.



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3. When the matter was taken up for hearing, the learned Government Advocate(Crl. Side) appearing for the fifth respondent submitted that final report was filed as early as on 28.10.2019. But then till date it has not been taken cognizance.

4. I have to proceed on the premise that the proceedings are not pending before the jurisdictional Magistrate. The petitioner through his counsel gives an undertaking that even if he goes abroad, he will keep track of the case in question before the Judicial Magistrate, Pattukottai. If the case is taken cognizance, the petitioner will enter appearance through counsel. He will file an application under Section 205 Cr.P.C. by giving special Vakalath to the counsel. The petitioner will take steps to ensure that even if he is away from India, the proceedings are not stalled or impeded on account of his absence. This undertaking given by the petitioner before this Court through his counsel is placed on record. If the undertaking given by the petitioner is breached, this Court will not hesitate to direct the authorities to impound the petitioner's passport. Since the petitioner has



given such an undertaking through his counsel, I direct the respondents 3 and 4 to process the petitioner's application and issue passport subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

02.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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