



W.P(MD)No.28526 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

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

W.P(MD)No.28526 of 2022

and

W.M.P(MD)No.22533 of 2022

Atham Rahmathulla

... Petitioner

Vs.

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

2.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.

3.The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.

4.The Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
(In Crime No.87 of 2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref.No.SCN/313497377/22, dated



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13.10.2022, passed by the first respondent and quash the same as illegal, consequently directing the first respondent to reissue the passport to the petitioner forthwith based on his application in File No.MD2074638249322, dated 30.09.2022.

For Petitioner : Mr.C.Thamotharakannan
For R-1 : Mrs.L.Victoria Gowri
Deputy Solicitor General of India
For R-2 to R-4 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

Heard the learned Counsel on either side.

2. The petitioner seeks issuance of passport. The first respondent has issued communication, dated 13.10.2022, calling upon the petitioner to furnish his explanation as regards his involvement in Crime No.87 of 2020 on the file of the Munnerpallam Police Station. Apprehending that his application will not be processed, this writ petition came to be filed. The petitioner has also challenge the communication issued by the first respondent.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the criminal case registered against the petitioner has since culminated in C.C.No.2942 of 2022 on the file of the Judicial Magistrate



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No.V, Tirunelveli. The petitioner therefore has to necessarily move the jurisdictional Court for relief .

4. The petitioner is permitted to file an M.P before the learned trial Magistrate seeking the relief now sought for. The learned trial Magistrate will dispose of the said M.P within three weeks after it is filed. I make it clear that I have not gone into the merits of the matter. With this liberty to the writ petitioner to approach the learned Trial Magistrate and direction to the learned Trial Magistrate to give time bound disposal. Registry is directed to mark a copy of this order to the learned Judicial Magistrate No.V, Tirunelveli. The writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.01.2023

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



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Tirunelveli.
- 3.The Inspector of Police,
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Tirunelveli District.
- 4.The Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
- 5.The Judicial Magistrate No.V,
Tirunelveli.



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G.R.SWAMINATHAN, J.

Btr

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