



W.P(MD)No.29164 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.01.2023**

**CORAM**

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

**W.P(MD)No.29164 of 2022**

V.Ashokraj Vedaiyan

... Petitioner

Vs

1.The Regional Passport Officer,  
Office of the Regional Passport Officer,  
Tiruchirapalli,  
New Municipal Complex,  
Thilla Nagar 7<sup>th</sup> Cross Street,  
Tiruchirappalli – 620 018.

2.The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur District.

... 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 communication letter dated 19.10.2022 in Letter Ref No. REM/313535673/22 passed by the first respondent / the Regional Passport Officer, Tiruchirapalli based on petitioner's representation dated 08.12.2022 and quash the same.



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For Petitioner : Mr.A.Feroz Khan

For Respondents : Mr.V.Malaiyendran  
Central Government Standing Counsel  
for R.1

Mr.B.Thanga Aravindh  
Government Advocate (Criminal Side)  
for R.2

### **ORDER**

Heard the learned counsel on either side.

2. The petitioner seeks issuance of passport. He submitted an application before the first respondent. 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 (Criminal Side) submitted that the petitioner is shown as accused in Crime No.1149 of 2021 registered on the file of Thanjavur Police Station. However, he admitted that final report is yet to be filed. Since the case is pending only at the FIR stage, there is no impediment for the first respondent to grant the relief sought for in the writ petition.

4. However, the petitioner has to appear before the second respondent and file an affidavit indicating his contact details. The petitioner has to furnish



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his mobile phone details as well as email details. This is because if any final report is filed adverse to the petitioner and the same is taken on file by the jurisdictional Magistrate, it would be possible to serve summons on the petitioner. The petitioner also must give an undertaking that the prosecution initiated against him will not be stalled, on account of his absence in India. If necessary, the petitioner will have to execute Special Vakalath in future so that he can be represented in the proceedings.

5. The petitioner shall file such an affidavit before the second respondent within a period of two weeks from the date of receipt of a copy of this order. After the petitioner complies with the terms set out in the aforesaid undertaking, the first respondent is directed to process the petition mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition stands allowed. There shall be no order as to costs.

**27.01.2023**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
MGA



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**G.R.SWAMINATHAN, J.**

MGA

To

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