



W.P(MD)No.31108 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31108 of 2023

and

W.M.P(MD)No.26665 of 2023

Jubair Ahamed

... Petitioner

Vs.

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

2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned letter issued by the first respondent in Letter Reference No. FCL/314403483/2023 dated 08.03.2023 in File No. MD1062960040520 on the file of the first



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respondent and quash the same as illegal and consequently directing the first respondent to issue passport to his for the validity of 10 years.

For Petitioner : Mr.M.Seeni Sulthan

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
for R.1

Mr.A.Albert James
Government Advocate for R.2

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.

6.Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the



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jurisdictional Regional Passport Officer shall process the petition-
mentioned application and issue passport subject to fulfilment of the
other usual formalities.

7.This writ petition is allowed on these terms. There shall be no
order as to costs. Consequently, connected miscellaneous petition is
closed.

22.12.2023

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

To

1.The Regional Passport Officer,
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Race Course Road,
Madurai – 625 002.

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G.R.SWAMINATHAN, J.

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