



WP No.14141 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

CORAM

THE HON'BLE MR.JUSTICE **G.R.SWAMINATHAN**

WP No.14141 of 2024

Gopalakrishnan

: Petitioner

versus

1.The Regional Passport Officer,  
Chennai Royala Towers,  
No.2 and 3, IV Floor,  
Old No.785, New No.158,  
Anna Salai, Chennai – 600002.

2. The Inspector of Police,  
Nadveerapattu Police Station,  
Cuddalore District.

: Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent to reissue the passport to the petitioner by considering the petitioner's Passport Application No.Ma1076453383524 dated 15.04.2024 within the time frame as fixed by the Court.



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For Petitioner : Mr.S.Siva Kumar  
For Respondents : Mr.M.Sathyan  
ACGSC for R.1

ORDER

Heard both sides.

2.The petitioner seeks re-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, it was brought to the notice of the Court that a criminal case registered against the petitioner is pending at the FIR stage.

4.It is well settled that when the case is pending only at the FIR stage,



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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



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affidavit has been filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall process the petition-mentioned application and re-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.

**24.05.2024**

Index : Yes/No  
Neutral Citation : Yes/No  
shr

To

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

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