



W.P(MD)No.1701 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1701 of 2024

Sadam Hussain

... Petitioner

Vs.

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

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.

3.The Inspector of Police,
Immigration Unit,
Madurai Airport,
Madurai.

4.The Inspector of Police,
Sengottai Police Station,
Sengottai,
Tenkasi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue fresh passport to the petitioner based on the petitioner's representation dated 18.01.2024.

For Petitioner : Mr.A.D.Ganeshamoorthi

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

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2 to R.4

ORDER

Heard both sides.

2.The petitioner is a holder of Indian passport. His passport was withheld because two pages were missing. In this regard, complaint was made before the Superintendent of Police, Tenkasi also. The petitioner now wants issuance of fresh passport. Since his request was not considered, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, the learned Government Advocate appearing for Sengottai Police Station submitted that Crime No.394 of 2023 was registered against the petitioner for offences under Sections 457 and 380 of IPC. Investigation has been completed and final report filed before the learned Judicial Magistrate No.1, Tirunelveli. It is however yet to be taken on file.

4. The petitioner has to appear before the fourth respondent 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.



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5.The petitioner shall thereafter appear before the first respondent and satisfy the first respondent that the direction given by this Court has been complied with. Thereafter fresh passport shall be issued by the first respondent to the petitioner subject to the fulfilment of the other usual formalities if any.

6.This writ petition is allowed on these terms. There shall be no order as to costs.

21.02.2024

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

To

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

2.The Superintendent of Police,
Tenkasi District,
Tenkasi.



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3.The Inspector of Police,
Immigration Unit,
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4.The Inspector of Police,
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G.R.SWAMINATHAN, J.

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