



W.P.(MD)No.2912 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2912 of 2024

Ragupathi

... Petitioner

Vs

1.The Passport Officer,
Regional Passport Office,
Tiruchirappalli, New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 008.

2.The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.

3.The Inspector of Police,
Prohibition Enforcement Wing,
Tiruppur City,
Tiruppur District.

4.The Inspector of Police,
Velampalayam Police Station,
Tiruppur City,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to renew/reissue the passport to the petitioner by considering the petitioner's



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Passport Application No.TR2076092036323 dated 23.12.2023, within the time frame as fixed by this Court.

For Petitioner : Mr.V.Vijayendiran

For R-1 : Mr.P.Paul Pandi
Senior Panel Counsel
Union of India

For R-2 to R-4 : Mr.R.Albert James
Government Advocate
(Criminal Side)

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 appearing for the jurisdictional Police submitted that as many as five prohibition cases have been registered against the writ petitioner. However,



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they are pending only at the FIR stage. Therefore, there cannot be any impediment for issuing passport to the petitioner.

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.



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6. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall process the petition-mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

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Tiruchirappalli – 620 008.
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G.R.SWAMINATHAN, J.

Nsr

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