



W.P(MD)No.3078 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3078 of 2024

Rohith

Vs.

... Petitioner

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

2.The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to Re-Issue Passport to the petitioner, based on his Passport application No.MD1076118550724 dated 02.01.2024 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side) for R2



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ORDER

Heard both sides.

2. The petitioner seeks renewal of passport. Since the petitioner is involved in a criminal case, request was not considered. It is seen that the case against the petitioner (Crime No.140 of 2023 on the file of the second respondent) is pending only at the FIR Stage.

3.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.

4.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



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counsel in the proceedings in terms of Section 205 of Cr.P.C.

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5.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.

21.02.2024

Index : Yes / No

Internet : Yes/ No

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To

The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.



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G.R.SWAMINATHAN, J.

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