



W.P.(MD)No.5223 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.5223 of 2024

and

W.M.P.(MD).No.5004 of 2024

S.Alaguraman

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Thondi Police Station,
Thiruvadanai Taluk,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent's impugned communication No. FCI/317121461/24 dated 20.02.2024 and quash the same and consequently direct the first respondent to renewal of the petitioner passport bearing No. J9700087 dated 16.11.2011 to him by considering his application No. MD1075564419323 dated 12.07.2023 and for other reliefs within a period stipulated by this Court.



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For Petitioner : Mr.S.Atham Ali
For R-1 : Mr.P.Subbiah
For R-2 : Mr.A.Albert James
Government Advocate
(Criminal Side)

ORDER

Heard both sides.

2. The petitioner challenges the impugned communication dated 20.02.2024 issued by the first respondent seeking certain clarifications. It is not necessary to interfere with the said notice.

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.

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



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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 jurisdictional Regional Passport Officer shall process the petition-mentioned application and reissue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

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



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To
WEB COPY

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G.R.SWAMINATHAN, J.

Nsr

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