



W.P.(MD).No.7327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.7327 of 2024

S.Rajkumar Selappa

... Petitioner

Vs.

- 1.The Government of India,
Represented by its Secretary,
Ministry of External Affairs,
New Delhi.
- 2.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
- 3.The Foreign Regional Registration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Shastri Bhavan,
Haddows Road,
Nungambakkam,
Chennai.
- 4.The Indian Embassy,
Consular Officer at Kuwait,
Diplomatic Enclave,
Arabiran Gulf Street,
P.O.Box 1450,
Safat 13015, Kuwait.



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5.The Inspector of Police,
Alwarkuruchi Police Station,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to process the application of the petitioner vide Reference number 23-2004577784 for renewal of Indian Passport No.L4533892 and consequently direct the 4th respondent to renew the passport of the petitioner for 02 years within the time fixed by this Court.

For Petitioner : Mr.P.P.Alwin Balan
For R-1 to R-4 : Mr.H.Velavadhas
For R-5 : Mr.A.Albert James
Government Advocate (Crl. Side)

ORDER

Heard the learned counsel on either side.

2. The petitioner is a holder of Indian passport. He is presently at Kuwait. His passport expired on 04.02.2024. The petitioner seeks its renewal.

3. The learned Government Advocate (Crl. Side) for the jurisdictional Police pointed out that the criminal case registered against the petitioner has



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culminated in C.C.No.91 of 2022 on the file of the learned Judicial Magistrate, Ambasamudram. The next hearing date is 02.05.2024. It appears that the case has been transferred to the file of the learned Judicial Magistrate, Tenkasi and new number is yet to be assigned.

4. In these circumstances, the petitioner has to necessarily get proper relief only before the jurisdictional Magistrate. However, taking note of the special facts obtaining in this case, the Writ Petition is disposed of with the following directions:

a) The petitioner is directed to submit a representation to the Indian Embassy at Kuwait enclosing a certified web copy of this order made in this Writ Petition.

b) Immediately on such representation, the passport of the petitioner shall be renewed for a period of six more months.

c) On such re-issuance/renewal, the petitioner shall come over to India and file a miscellaneous petition in the pending case before the Trial Court. Notice in the miscellaneous petition shall be issued to the defacto complainant. After hearing both the parties as well as



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the jurisdictional Police, the learned trial Magistrate shall pass appropriate orders. The rights of the petitioner will abide by the outcome of the order to be passed in the miscellaneous petition that shall be filed by the writ petitioner. No costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Secretary,
The Government of India,
Ministry of External Affairs,
New Delhi.
- 2.The Regional Passport Officer,
The Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
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4.The Indian Embassy,
Consular Officer at Kuwait,
Diplomatic Enclave,
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P.O.Box 1450,
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5.The Inspector of Police,
Alwarkuruchi Police Station,
Tenkasi District.



WEB COPY



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G.R.SWAMINATHAN, J.

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