



W.P(MD)No.10109 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10109 of 2024

A.Manikandan

... Petitioner

Vs.

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

2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to process the application filed by the petitioner for the renewal of passport vide File No.MD2076416635524 and to re-issue the passport to the petitioner within a time fixed by this Court.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.G.Thalaimutharasu for R.1

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



W.P(MD)No.10109 of 2024

ORDER

WEB COPY

Heard both sides.

2.The petitioner is a holder of Indian passport. Its validity period would expire in December 2024. The petitioner however wanted to renew the passport in advance. The renewal application was submitted. It seem that an adverse Police report was received and the petitioner's passport is now with the first respondent. That led to filing of this writ petition.

3.When the matter was taken up for hearing, the learned Government Advocate submitted that the petitioner is figuring as an accused in C.C.No.286 of 2018 on the file of Additional Mahila Court, Nagercoil.

4.In normal circumstances, I would have relegated the petitioner to move before the trial Magistrate and obtain relief. The learned counsel appearing for the petitioner pointed out that the petitioner got job in abroad only recently and he come to India on leave and the leave period expired on second week of April. Unless the petitioner's passport is reissued, he cannot return to Dubai.



W.P(MD)No.10109 of 2024

5.I went through the contents of the final report. It is seen that when survey authorities wanted to survey a water body, the petitioner and one Murugan had used unparliamentary language against them and prevented them from carrying out their duty. I am satisfied that the case against the petitioner is rather petty and minor. The petitioner undertakes to appear before the learned Additional Mahila Court, Nagercoil on 13.05.2024 and submit an application under Section 205 of Cr.P.C to appoint a special counsel. The said application should be numbered and allowed on the same date. Certified copy of the order shall be produced before the first respondent. On such production, the petitioner's passport will be renewed for a period of four (4) more years.

6.With this liberty to the writ petitioner and direction to the learned trial Magistrate as well as the first respondent, this writ petition is allowed. There shall be no order as to costs.

29.04.2024

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

Note: 1) Issue order copy on 30.04.2024.



W.P(MD)No.10109 of 2024

2) Registry is directed to mark a copy of this order to the Additional Mahila Court, Nagercoil.

To

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai District – 625 002.
- 2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.



WEB COPY



W.P(MD)No.10109 of 2024

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.10109 of 2024

29.04.2024