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W.P.(MD)NO.11072 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11072 of 2024

Thanabalan Maharajan

... Petitioner

Vs.

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

2. The Inspector of Police,
Melavalavu police station,
Madurai District.
(Crime No.267 of 2014)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to renew the petitioner's passport in Passport L9295630 in reference to the File No. MD1075798974723, dated 20.09.2023, pending on the file of the 1st respondent Authorities, by considering the petitioner's representation dated 16.04.2024, within a stipulated time may be fixed by this Court.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For R-1 : Mr.G.Vidhya Maheswaran

For R-2 : Mr.A.Albert James,
Government Advocate.

* * *

**ORDER**

Heard both sides.

2.The petitioner seeks renewal of his 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 (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 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 for renewal and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs.

12.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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G.R.SWAMINATHAN,J.

PMU

To:

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Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai District.
2. The Inspector of Police,
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