



W.P(MD)No.18249 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.18249 of 2024

and

W.M.P.(MD)No.15542 of 2024

S.Ahamed Aslam

... Petitioner

Vs.

1.The Regional Passport Officer,  
Regional Passport Office,  
New Municipal Complex,  
Thillai Nagar 7<sup>th</sup> Cross,  
Tiruchirappalli District.

2.The Inspector of Police,  
Adirampattinam Police Station,  
Adirampattinam,  
Thanjavur District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records of the 1st respondents Impugned Communication No. OBJ/313182839/22 dated 23.08.2022 and quash the same and consequently direct the 1st respondent to renewal of the petitioners passport bearing No. H8174251 issued on 13.04.2010 by considering his application No. TR1074484390522 dated 11.08.2022 and for other reliefs within a period stipulated by this Court.



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For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.V.Malayendran  
Standing Counsel for R1

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

**ORDER**

Heard both sides.

2.The petitioner seeks renewal of 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.



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5. When the matter was taken up for hearing, the Central Government Standing Counsel submitted that the application given by the petitioner has since been closed. The petitioner is permitted to submit a fresh application for renewal of passport.

6. 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.

7. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the jurisdictional



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Regional Passport Officer shall process the application to be filed by the petitioner and issue passport subject to fulfilment of the other usual formalities.

This writ petition is allowed on these terms. No costs.

**01.08.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
rmi

To

- 1.The Regional Passport Officer,  
Regional Passport Office,  
New Municipal Complex,  
Thillai Nagar 7<sup>th</sup> Cross,  
Tiruchirappalli District.
- 2.The Inspector of Police,  
Adirampattinam Police Station,  
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**G.R.SWAMINATHAN, J.**

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