



W.P.(MD) No.19315 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.19315 2024

K.Ganesan

...Petitioner

-VS-

1.The Government of India,
Ministry of External Affairs
New Delhi.

2.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,
Kadayanallur Police Station,
Kadayanallur,
Tenkasi District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the second respondents's impugned communication letter Ref.No.SCN/318343965/24 dated 26.06.2024 and quash the same

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and consequently direct the second respondent not to detain the passport No.Y3839184 issued for the period from 18.06.2024 to 17.06.2034 to the petitioner within the period as stipulated by this Court.

For Petitioner	: Mr.A.Haja Mohideen
For R1 & R2	: Mr.S.Karthick Central Government Standing Counsel
For R3	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)

ORDER

Heard both sides.

2.The petitioner seeks re-issuance of passport. He has submitted an application before the jurisdictional passport officer. However, the second respondent issued a communication stating that an adverse police report has been received against the petitioner as if a case in Crime No.27 of 2019 is pending against the petitioner.

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.



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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



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jurisdictional Regional Passport Officer shall process the petition-
mentioned application and issue passport subject to fulfilment of the
other usual formalities.

7.This writ petition is allowed on these terms and the impugned
Communication Letter Ref.No.SCN/318343965/24 dated 26.06.2024 is
set aside. No costs.

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Index : Yes / No
Internet : Yes / No
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To

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N.SATHISH KUMAR, J.

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