



WP(MD). No.20678 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 30/08/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.20678 of 2024 and
WMP(MD) Nos..17541 and 17542 of 2024**

Raja A

... Petitioner

Vs

1. The Secretary,
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..

3. The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd



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respondent in File No.MD1066754436524, dated 16.07.2024, Letter Ref.No.SCN/318735621/24 dated 30.07.2024 and quash the same as illegal and consequently direct the respondents 1 and 2 to issue a passport to the petitioner in File No.MD1066754436524, dated 16.07.2024 within a period as stipulated by this Court.

For Petitioner : Mr.K.Ramanathan,
For Respondent : Mr.S.Karthick for R1 & R2
Mr.M.Vaikkam Karunanithi for R3

ORDER

The petitioner seeks issuance 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.

2.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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3.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.

4.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.

5.Upon the passport authority being satisfied that such an undertaking affidavit being 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. This writ petition is allowed on these terms. No
costs. Consequently connected Miscellaneous Petitions are closed.

30.08.2024

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TO
The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District..



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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) No.20678 of 2024**

Date : 30/08/2024