



W.P.(MD)No.20770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20770 of 2024

Ramaraj Jegan @ Ramaraj

... Petitioner

Vs

1. The Regional Passport Officer,
Government of India Ministry of
External Affairs, Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2. The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai, Madurai,
Madurai District.

3. The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Cr.No.28 of 2023.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus direction to the respondents 1 and 2 to reissue a passport to the petitioner by processing his application in File



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No.MD1076185112324 based on the representation, dated 16.08.2024 within the time stipulated by this Court.

For Petitioner : Ms.A.Banumathy
For respondents : Mr.B.Narayan Ram (R1,R2)
Central Govt Standing Counsel

Mr.M.Vaikkam Karunanidhi (R3)
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to reissue a passport to the petitioner by processing his application in File No.MD1076185112324 based on the representation, dated 16.08.2024 within the time stipulated by this Court.

2.Heard Ms.A.Banumathy, learned counsel appearing for the petitioner, Mr.B.Narayan Ram, learned Central Government Standing Counsel appearing for R1, R2 and Mr.M.Vaikkam Karunanidhi, learned Government Advocate (Crl.Side) appearing for R3. Perused the materials available on record. Considering the nature of issue, counter is not required in this writ petition.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4.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.

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



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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 and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs.

02.09.2024

NCC : Yes/No
Index : Yes/No
PNM



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