



WP(MD). No.22405 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22405 of 2024
and WMP(MD) No.18987 of 2024

Sulthan Ibrahim

... Petitioner

Vs

1. The Regional Passport Officer,
Madurai Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road, Madurai - 625 002..

2. The State of Tamil Nadu,
Represented by Sub Inspector of Police,
Uthamapalayam Ps,
Theni District..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent, to renew the petitioners passport bearing No. L6877475 for a period of 10 years within a stipulated time frame, irrespective of pending criminal cases against the petitioner.



WP(MD). No.22405 of 2024

For Petitioner : M/s. T.T.Nishanth,
For Respondent : Mr.M.Vaikkam Karunanidhi
Government Advocate (Crl.Side) for R2
Mr.K.Sankararaman for R1

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks re-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 criminal cases, 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 investigation in the criminal case registered against the petitioner is completed and final report has been filed through e-filing and the same is yet to be taken on file.



WP(MD). No.22405 of 2024

4. Even though final report has been filed, since it is yet to be taken on file, one has to proceed on the premise that there is no proceeding pending before any criminal Court against the petitioner within the meaning of the statutory provision.

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.



WP(MD). No.22405 of 2024

6. Upon the passport authority being satisfied that such an undertaking affidavit being 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. Consequently connected Miscellaneous Petition is closed.

23.09.2024

RR

2. The Sub Inspector of Police,
Uthamapalayam Ps,
Theni District..



WEB COPY



WP(MD). No.22405 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.22405 of 2024**

Date : 23/09/2024