



W.P.(MD)No.23342 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23342 of 2024

M.Mathavan

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Madurai.

2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

3.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

4.The Inspector of Police,
Nessamony Nagar Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to issue passport to the petitioner in accordance with law by processing the petitioner's application No.MD4076767232924 dated 22.07.2024 within the time stipulated by this Court.



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For Petitioner : Mr.G.Aravindhana
for M/s.Aran Legal Consultancy

For Respondents : Mr.V.B.Sundhareshwar (for R1)
Central Government Standing Counsel
Mr.M.Vaikkam Karunanithi (for R2)
Government Advocate (Crl.side)

ORDER

Heard both sides.

2.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) appearing for the third respondent would submit that three cases are pending against the petitioner at the FIR stage in respect of agitation. No serious offences are pending against the petitioner, whereas the learned Central Government Standing Counsel appearing for the first respondent would submit that in this regard already show cause notice was issued to the petitioner seeking



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explanation. If the petitioner gives explanation, the application of the petitioner will be processed.

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. The petitioner has also give explanation to the show cause notice within a week from the date of receipt of a copy of this order.



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6. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police and after receiving the explanation, the jurisdictional Regional Passport Officer shall process the petition-mentioned application taking note of the fact that the criminal case registered against the petitioner only with regard to the agitation and no serious offence are committed by the petitioner and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs.

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Index : Yes / No

NCC : Yes / No

Rmk

To

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N.SATHISH KUMAR, J.

Rmk

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