



W.P.(MD) No.26115 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.26115 2024

Sivaelango

...Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar, 7th Cross,
Thiruvhirapalli-620 018.

2.The Passport Seva Kendra Officer (Trichy),
Plod No.A5, Salai Road,
and Shastri Road Junction,
Thilai Nagar,
Tiruchirappalli-620 001.

3.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
(Cr.No.302 of 2021 and 478 of 2022)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, to direct the first and second respondents to re-issue the petitioner's passport bearing No.J9854942 on the basis of his application File No.TR2076947696524

1/5



W.P.(MD) No.26115 of 2024

based on the petitioner's representation dated 22.10.2024 within the time stipulated by this Court.

For Petitioner	: Mr.A.Banumathy
For R1 & 7R2	: Mr.K.Sankaraman
For R3	: Mr.M.Vaikkam Karunanithi
	Government Advocate (Crl.side)

ORDER

Heard both sides.

2.The petitioner's passport has expired. Hence, he made an application before the jurisdictional passport officer seeking re-issuance of his passport. However, the same was not processed in view of the involvement of the petitioner in a criminal case. 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 among two cases registered against the petitioner, one case has been closed as 'mistake of fact' and on the other case is under investigation.

2/5

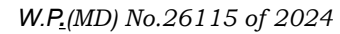


W.P.(MD) No.26115 of 2024

4.Since one case registered against the petitioner has been closed as 'mistake fact', there is no impediment for the authorities to process the application of the petitioner.

5.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.

6.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.



30.10.2024

To

3.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
(Cr.No.302 of 2021 and 478 of 2022)



WEB COPY



W.P.(MD) No.26115 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD) No.26115 of 2024

30.10.2024