



W.P(MD)No.27264 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27264 of 2023

and

W.M.P.(MD)No.23404 of 2023

Chandrasekar

... Petitioner

Vs.

1.The Regional Passport Officer,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli – 625 002.

2.The Inspector of Police,
Arumbavur Police Station,
Preambalur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned closure communication dated 09.05.2022 issued by the 1st respondent vide Letter Ref.No.FCL/312588261/22 and consequently directing the 1st respondent to issue passport to the petitioner by processing the application No.TR2063601677321 within a stipulated time period in accordance with law on the basis of the explanation dated 10.04.2022.



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For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.S.Ponsenthilkumaran,
Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport.

3.The learned standing counsel for the first respondent states that the petitioner's application has been closed and that the petitioner may be called upon to submit a fresh application. The petitioner is directed to submit a fresh application.

4.The learned Government Advocate (Crl. Side) states that the petitioner is involved in a criminal case and it is pending at the FIR stage.

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.



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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.

7.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. Consequently, connected miscellaneous petition is closed.

13.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Regional Passport Officer,
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Thillainagar 7th Cross,
Tiruchirappalli – 625 002.
- 2.The Inspector of Police,
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