



W.P.(MD)No.30055 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.30055 of 2024

Jothilakshmi

... Petitioner

Vs.

1. The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madura – 625 002.

2. The Superintendent of Police,
Tenkasi District,
Tenkasi.

3. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to issue new passport to the petitioner's husband namely, Sakkammadurai Palanisamy, vide passport fee Receipt No.242005192380 applied through Embassy of India, Kuwait by considering the petitioner's representation dated 26.11.2024 to the first respondent.



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For Petitioner : Mr.V.Sasi Kumar
For R-1 : Mr.V.Vidyamaheshwaran
For R-2 & R-3 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, to direct the first respondent to issue new passport to the petitioner's husband namely, Sakkammadurai Palanisamy, vide passport fee Receipt No.242005192380 applied through Embassy of India, Kuwait by considering the petitioner's representation dated 26.11.2024 to the first respondent.”

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The petitioner's husband is residing in Kuwait. He applied for a passport on 15.11.2015, which is valid till November, 2025. In the meanwhile, a non-bailable warrant has been issued as against the petitioner's husband on 27.05.2024 on the file of the learned Judicial Magistrate, Sivagiri, in



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connection with C.C.No.74 of 2023 for the offence under Sections 147, 148, 341, 294(b), 323 and 506(ii) of IPC. In the meanwhile, the said case was split up from the original C.C.No.199 of 2018 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, wherein the other accused persons were acquitted on 17.03.2023. Since the case of the petitioner's husband was split up into a separate case in C.C.No.74 of 2023, as he was in abroad, a non-bailable warrant was issued by the said Court for non-appearance of the petitioner's husband before the Court.

4. In the meanwhile, the petitioner's husband made an application before the Indian Embassy at Kuwait for renewal of passport and on receipt of intimation from the jurisdictional police, an explanation is sought for by the Indian Embassy with respect to CC No.74 of 2023.

5. Considering the peculiar nature of this Case to facilitate the petitioner to voluntarily surrender before the Jurisdictional Magistrate and to conduct the criminal case pending against him, this Court hereby direct the Indian Embassy at Kuwait to return the passport of the petitioner's husband facilitating him to travel back to India. Thereafter, the petitioner is directed to make a renewal of passport before the concerned passport authority after reaching India forthwith.



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6. With the above said direction, this Writ Petition is disposed of. No costs.

06.01.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 08.01.2025.

TO:-

1. The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madura – 625 002.
2. The Superintendent of Police,
Tenkasi District,
Tenkasi.
3. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

L.VICTORIA GOWRI, J.



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Order made in
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Dated
06.01.2025