

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.2657 of 2015
& M.P.No.1 of 2015

Y. Khader Sheriff

.. Petitioner

Vs.

1. The Superintendent of Police,
Salem District,
Salem.

2.The Deputy Inspector of Police,
Salem Range,
Salem District,
Salem.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents to issue NOC for obtaining passport and grant permission to go to Mecca-Medeenah and Haj Yatra to visit petitioner's religious obligation.

For Petitioner : Mr. T.Arul Raj

For Respondents : Mr.P. Sanjay Gandhi,AGP

O R D E R

The petitioner is an accused in C.C.No.19/2004 on the file of Special Court at Salem. The petitioner now wanted to undertake Haj pilgrimage. For the said purpose, he seeks a direction to the respondents to issue No Objection Certificate.

2.The first respondent in his counter affidavit contended that it is not possible to give permission to the petitioner on account of the pendency of a criminal case against him.

3. The criminal case registered against the petitioner is now pending in C.C.No.19/2004 on the file of Special Court at Salem. There is no question of issuing a direction to the respondents to give permission, without approaching the concerned criminal court for permission to go abroad.

4. The question now raised by the petitioner with regard to permission should be decided only by the concerned criminal court.

5. The petitioner is given liberty to make appropriate application in C.C.No.19/2004 before the Special Court at Salem. In case any such application is made, the same should be decided by the learned trial Judge on merits and as per law, as expeditiously as possible.

6. The Writ Petition is disposed of with the above direction. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Superintendent of Police,
Salem District,
Salem.

2.The Deputy Inspector of Police,
Salem Range,
Salem District,Salem.

+ 1 cc to Mr.T. Arulraj, Advocate SR.11188

+ 1 cc Government Pleader Sr.11546

W.P.No.2657 of 2015

TM(CO)

EU 18.03.2015

सत्यमेव जयते

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