



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.21692 of 2016

Absalom

... Petitioner

Vs.

- 1.The Passport Officer,
Madurai.
- 2.The Inspector of Police,
Kollancode Police Station,
Kollancode,
Kanyakumari District.

... Respondents

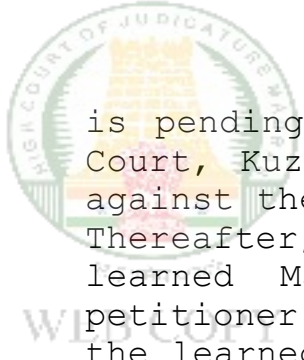
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to return back the petitioner's passport in Passport No. K8985433 with proper endorsement within reasonable time so as to enable him to go abroad as per Employment Visa expiring on 17.11.2016.

For Petitioner	: Mr.N.Balakrishnan for Mr.T.A.Ebenezer
For Respondents	: Mr.R.Murugappan for R-1 Mr.J.Gunaseelan Muthiah Govt. Advocate for R-2

ORDER

The petitioner has filed this writ petition seeking a direction, directing the 1st respondent to return back his passport in Passport No. K8985433 with proper endorsement within reasonable time so as to enable him to go abroad, as the Employment Visa expires on 17.11.2016.

2.According to the petitioner, the first respondent issued a passport to the petitioner on 16.01.2013. Subsequently, he arranged for Employment visa to go to the Sultanate of Oman. On 31.08.2016, when the petitioner was about to leave for Oman from Trivandrum International Airport, the petitioner's passport was seized by the Immigration Officers at Trivandram Airport. Thereafter, the seized passport was sent to the first respondent and the petitioner was instructed to collect the passport from the first respondent. When the petitioner approached the first respondent, the first respondent informed him that a criminal case



is pending against the petitioner before the Judicial Magistrate Court, Kuzhithurai, and a non-bailable warrant was also pending against the petitioner, therefore, he was not permitted to travel. Thereafter, he filed a petition to recall the warrant before the learned Magistrate and the warrant was recalled and the petitioner was released on bail with a condition to appear before the learned Judicial Magistrate, thereafter, on complying with the condition, the condition imposed on him was also relaxed. In the above circumstances, no warrant as on date is pending against the petitioner. In the meantime, his employment visa is going to expire on 17.11.2016. Hence, he has filed the present writ petition seeking a direction to the first respondent to return back his Passport bearing No. K8985433 .

3.The learned counsel for the first respondent would submit that admittedly, a criminal case is pending against the petitioner on the date of his leaving the country and a non-bailable warrant was also pending against him. In the said circumstances, he was detained by the Immigration Officer at Trivandrum. In view of the fact that a criminal case is pending against the petitioner, he cannot be permitted to leave the country.

4.The learned counsel appearing for the first respondent also submits that as per circular issued by the Central Government, the petitioner should necessarily file an application before the concerned trial Court seeking permission to leave the country. In the event of the Criminal Court granting permission, the petitioner will be allowed to leave the country.

5.In the above circumstances, the relief sought for by the petitioner cannot be granted. However, the petitioner is permitted to move the concerned trial court I.e Judicial Magistrate Court, Kuzhithurai and file necessary application seeking permission to leave the country. In the event of petitioner filing any such application, the learned Judicial Magistrate, Kuzhithurai is directed to consider the application and pass orders on merits and in accordance with law, as expeditiously as possible, taking into consideration of the fact that the petitioner's employment visa is going to expire on 17.11.2016.

6.With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/

Assistant Registrar(RTI)

/True Copy/



To

1. The Judicial Magistrate,
Judicial Magistrate Court,
Kuzhithurai.

2. The Passport Officer,
Madurai.

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

+1CC to M/S.T.A.Ebenezer, Advocate, SR.No. 67771

+1CC to M/S.R.Murugappan, Advocate, SR.No. 67840

+1CC to the Special Government Pleader, SR.No. 67958

W.P (MD) No.21692 of 2016
11.11.2016

vs

AM/SK.SKN/SAR-1/11.11.2016/3P/7C