



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD) No.2276 of 2018

WEB COPY

K.Baranitharan

... Petitioner

Vs.

The Assistant Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to direct the respondent to renew petitioners passport No.V499285 and to issue Passport vide his Application No.MD2070770365917, dated 11.12.2017.

For Petitioner : Mr.P.Subbaraj
For Respondents : Mr.V.Kathirvelu, ASGI,
assisted by Mr.Paulpandi, Standing Counsel

ORDER

This writ petition has been filed seeking direction to the respondent to renew the petitioner's passport No.V499285 and to issue Passport vide his Application No.MD2070770365917, dated 11.12.2017.

2.According to the petitioner, he has made an application seeking re-issuance of passport before the respondent. However, the same was not considered on the ground that a criminal case is pending against the petitioner on the file of the Judicial Magistrate, Sankarankovil in C.C.No.1045 of 2014. Hence, the petitioner has filed the present writ petition.

3.Heard Mr.P.Subbaraj, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, learned Assistant Solicitor General of India appearing for the respondent.

4.Admittedly, when criminal proceedings is pending against the petitioner, under Section 6(2)(f) of the Passport Act, the petitioner is not entitled to get a passport. However, as per the notification issued by the authorities, the petitioner wants to travel abroad pending criminal proceedings, he should make an application before the concerned trial Court seeking permission to travel only after getting permission from the trial Court and he can apply to the passport authorities seeking passport. Without doing so, the petitioner cannot seek any direction to the passport authorities to issue passport pending criminal proceedings. In the above circumstances, the petitioner is directed to approach the



concerned trial Court seeking permission to travel abroad. If any such application is filed, the concerned trial Court is directed to consider the application and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Assistant Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

+One cc to M/s.P.Subbaraj, Advocate, SR.No.46266

+2ccs to M/s.C.Nandagopal, Advocate, SR.No.46794

sms
RL/5C/2P/KK/SAR1/22/2/2018

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