



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11887 of 2021

Saratha

... Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai.

2. The Inspector of Police,
Vigilance and Anti-Corruption,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to entertain the petitioner's passport application and take necessary steps to issue the passport, within the stipulated period.

For Petitioner : Mr.M.Jothi Basu
For R-1 : Mr.V.B.Sundhareshwar
Central Government Standing Counsel
For R-2 : Mr.R.Suresh Kumar
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to entertain the passport application and issue passport to the petitioner within the time stipulated by this Court.

2. Heard Mr.M.Jothi Basu, learned counsel appearing for the petitioner, Mr.V.B.Sundhareshwar, learned Central Government Standing Counsel appearing for the first respondent and Mr.R.Suresh Kumar, learned Government Advocate appearing for the second respondent.

3. It is seen from records that criminal proceedings are pending before the Chief Judicial Magistrate Court, Virudhunagar in C.C.No.50 of 2014. In this case, there are totally 15 accused persons and the petitioner has been arrayed as Accused No.3. It is also brought to the notice of this Court that out of 48 witnesses, 44 witnesses have already been examined. In the meantime, the petitioner wanted to travel to USA in order to help her daughter, who is pregnant. The petitioner has submitted an application before



the first respondent seeking for issuance of passport. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. In the considered view of this Court, during the pendency of the criminal proceedings, the petitioner has to necessarily file an appropriate application only before the trial Court and get necessary permission and submit the same before the first respondent. The law on this issue has been dealt with in detail in the case of **Rahul Ravindran Vs. Union of India, Principal Secretary to Government and Others** reported in **2021 4 MLJ 289**.

5. In view of the above, liberty is granted to the petitioner to move an appropriate application before the Chief Judicial Magistrate Court, Virudhunagar, and seek for the necessary permission. It is left open to the learned Chief Judicial Magistrate to consider the application and take a decision within a period of two (2) weeks from the date of filing of the application by the petitioner. Except giving this liberty, no further orders can be passed in this Writ Petition.

6. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Chief Judicial Magistrate Court, Virudhunagar at Srivilliputhur
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-22708[F] dated 15/07/2021)



+1 CC to M/s.SPL GP (SR-22937[F] dated 16/07/2021)

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TP (CO)
KB(16.07.2021) 3P 5C