



W.P.(MD)No.13407 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13407 of 2022

Marimuthu

... Petitioner

Vs.

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

2.The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
(In Crime No.71/2019)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining with the first respondent's impugned surrender certificate in file No.MD1074119618522 dated 05.05.2022 and quash the same as illegal and thereby directing the first respondent to return the passport bearing No.V5766069 to the petitioner and allow him to travel abroad.



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For Petitioner : Mr.R.Balamuruganantham
For R1 : Mrs.B.Deepa
CGSC
For R2 : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is the holder of an Indian passport. The petitioner is involved in a criminal case. It is pending in C.C.No.50 of 2020 on the file of the Judicial Magistrate No.2, Sivagangai. It is seen that the said criminal case is pending for more than two years without any progress. The petitioner's passport was due for renewal in April 2022. It has been renewed for a further period of 10 years. But on account of the pendency of a criminal case, it has not been handed over to the petitioner.

3. The question that arises for consideration is whether the petitioner is entitled for the custody of the passport. The petitioner's counsel states that he would not leave India without getting permission



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from the jurisdictional criminal court. Since such an undertaking has been given, the first respondent is directed to hand over the petition mentioned passport to the petitioner. It is made clear that the petitioner shall not leave India except the leave of the jurisdictional criminal court (concerned court).

4. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN,J.

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