



W.P(MD)No.28662 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28662 of 2022

M.Thavayogi Gnana ThevaBharathy

... Petitioner

Vs

1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Passport Officer,
Claret Complex,
Duraismy Reddy Street,
Tambaram,
Chennai.

3.The Inspector of Police,
Nilakottai Police Station,
Tirunelveli District.

4.The Forest Ranger,
Forest Ranger Office,
Butlagundu,
Dindigul District.
(WLOR No.1 of 2021)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to renew the petitioner's passport in Passport No. 'K8975913' based on his online application dated 09.12.2022 in Transaction ID. CHL 1737557 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Sukumar

For Respondents : Mrs.L.Victoria Gowri
Deputy Solicitor General of India
for R.1 & R.2

Mr.B.Thanga Aravindh
Government Advocate (Crl Side) for R.3

Mr.A.Baskaran
Additional Government Pleader for R.4

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a holder of an Indian Passport. He seeks renewal of the same. The petitioner is however facing one impediment. A forest case was registered against him and the same is pending on the file of the learned Judicial Magistrate, Nilakkottai in C.C.No.258 of 2021 for the offences under the Wild Life Protection Act, 1972. In normal circumstances, the applicant has to necessarily move the jurisdictional Trial Court where the case is pending, for such relief.



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3. However, considering the special facts and circumstances of this case, I am inclined to grant relief. When criminal case was registered, the writ petitioner filed CrI.O.P(MD)No.9696 of 2021 before this Court. A learned Judge of this Court vide order dated 27.07.2021 granted Anticipatory Bail. Paragraph 5 and 6 of the said order read as follows:

“5.It is seen from the arrest memo produced by the learned Government Advocate (Criminal side) that the tiger skin and spotted deer skin are old skin. It is submitted by the learned counsel for the petitioner that they are aged more than 200 years. However, possession without permission is illegal. The petitioner should have obtained necessary permission from the concerned forest officials. It has not been done in this case.

6.Considering the fact that the tiger skin and spotted deer skin are very old and used for the purpose of meditation and offering blessing to the devotees, more particularly, it is seen that skin is not a new one, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.”

4.I therefore direct the respondents 1 and 2 to issue passport to the petitioner forthwith and without any delay subject to fulfilment of other usual formalities. However, the validity period of the passport will be restricted to six months.



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5. This writ petition is allowed on these terms. There shall be no order as to costs.

22.12.2022

Index : Yes / No

Internet : Yes/ No

MGA

Note: Issue Order Copy on 23.12.2022.

To

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G.R.SWAMINATHAN, J.

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