



W.P.No.23520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.23520 of 2023

Padma

...Petitioner

-Vs-

The Regional Passport Officer,
The Regional Passport Office,
Rayala Towers,
No.2 & 3, IV Floor,
New No.158, Anna Salai,
Chennai – 600 002.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant Temporary passport with validity of at least nine months to visit Malaysia.

For Petitioner : Mr.A.Natarajan,
Senior Counsel asst. by
Ms.A.Madhumathi

For Respondent : Mr.J.Madhanagopal Rao,
Special Panel Counsel



W.P.No.23520 of 2023

ORDER

WEB COPY

The petitioner seeks an emergency passport since she wants to airlift her sick son to Malaysia for medical care.

2.The learned counsel for the petitioner submitted that the petitioner was involved at least in two criminal cases, one before the Chief Metropolitan Magistrate Court in Egmore in C.C.No.3876 of 2009 for offences under Section 420 IPC read with Sections 3 and 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. She also faces trial in C.C.No.4 of 2017 before the Special Judge for AP Protection of Depositors of Financial Establishments Act-cum-Principal District & Sessions Judge, Nellore and another C.C.No.105149 of 2010 before the Additional Junior Civil Judge, Warangal.

3.The learned counsel for the petitioner further submitted that the petitioner had applied for temporary passport for visting Malaysia for treating her son and this was rejected by the respondent owing to the pendency of the above two cases.



W.P.No.23520 of 2023

4.The learned counsel for the petitioner would now bring to the notice of the Court that at least on two earlier occasions, this Court has allowed the petitioner to visit Malaysia for treating her son as could be seen in the order of this Court in CrI.O.P.No.30144 of 2019 and CrI.O.P.No.24461 of 2016 dated 02.01.2020 and W.P.No.1279 of 2022 dated 01.02.2022.

5.Heard, Mr.J.Madhanagopal Rao, learned Special Panel Counsel for the respondent.

6.Mere pendency of a criminal case by itself cannot be a ground to deny the petitioner a passport to travel abroad to treat her son. So far as C.C.No.3876 of 2009 pending before the Chief Metropolitan Magistrate Court, Chennai is concerned, the orders passed in CrI.OP.No.30144 of 2019 and batch., indicates that substantial sum has already been paid and the conduct of the petitioner also shows that she has not fled the country on the strength of the earlier orders granting her liberty to travel abroad. This is also to be borne in mind. The petition also shows the photographs of the petitioner's son besides Doctor's certificate requiring treatment.



W.P.No.23520 of 2023

7.This Court therefore, directs the petitioner to make a fresh Application to the respondent and the respondent Passport Authority is directed to consider the same in proper prospective, apply his mind while taking his decision after bearing in mind what is herein above cited and dispose of the same within a period of two (2) weeks from the date on which the representation is made by the petitioner.

8.The Writ Petition is accordingly disposed of. No costs.

11.08.2023

Index : Yes/No

Internet : Yes/No

Tsg

To

The Regional Passport Officer,
The Regional Passport Office,
Rayala Towers,
No.2 & 3, IV Floor,
New No.158, Anna Salai,
Chennai – 600 002.

N.SESHASAYEE, J.,



WEB COPY



W.P.No.23520 of 2023

Tsg

Order made in
W.P.No.23520 of 2023

11.08.2023