



W.P(MD)No.773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.773 of 2023

M.Thavayogi Gnana Theva Bharathy

... 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,
Nilakkottai 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 extent the validity of the petitioner's temporary passport in Passport No. W8488277 for a further period of three months from 28.06.2023 based on his online application dated 06.01.2023 in File No. MA3074864513722 within a time frame as fixed by this court.

For Petitioner : Mr.S.Sukumar

For Respondents : Mrs.G.Vidhyamaheswaran
Central Government Standing Counsel
for R.1 & R.2

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

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

ORDER

Heard the learned counsel on either side.

2.The petitioner had earlier moved this Court by filing W.P(MD)No. 28662 of 2022. It was allowed on the following terms:

“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 Crl.O.P(MD)No.9696 of 2021 before this Court. A learned



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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.

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



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3.The learned counsel appearing for the petitioner states that since the passport validity was restricted to six months there was some difficulty in getting visa and he could not avail the benefits of this order. For this reason, he seeks extension of the validity of the said passport.

4.The learned counsel appearing for the respondents 3 and 4 informs the Court that the case registered against the petitioner has since been numbered in C.C.No.258 of 2021 on the file of Judicial Magistrate Court, Nilakkottai. However, for the reasons already stated I direct the respondents 1 and 2 to extend the validity of the petitioner's passport by two more years. This writ petition is allowed on these terms.

5.The petitioner through his counsel gives an undertaking that he will file a petition under Section 205 of Cr.P.C before the learned Judicial Magistrate Court, Nilakkottai. The learned Judicial Magistrate Court, Nilakkottai shall allow the same. The petitioner is directed to execute a special vakalat only to ensure that the criminal proceedings are not stalled on account of his absence even if he leaves temporarily from India. There shall be no order as to costs.

08.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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G.R.SWAMINATHAN, J.

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