



W.P.(MD)No.3618 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3618 of 2023

Gopalakrishnan

... Petitioner

Vs.

- 1.The Passport Officer,
Regional Passport Office,
Bharati Ula Veedhi,
K.Pudur,
Madurai District.
- 2.The Superintendent of Police,
O/o.the Superintendent of police,
Madurai District.
- 3.The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai District.
- 4.The Inspector of Police,
Kelavalavu police station,
Madurai District.
- 5.The Inspector of Police,
Anna Nagar police station,
Madurai District.

... Respondents



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PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No. 1 to consider the petitioners representation dated on 10.02.2023 and on 16.02.2023 and renew the petitioners passport in file no. MD1074982070723. Since the issuance of passport is essential to him to go abroad for purchasing raw materials for the petitioners business, to expand the petitioners business, to trade the petitioners products abroad, which the same not considered due to a false case registered against the petitioners by the respondent No.4.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R1	: Mr.G.Rajaraman Central Government Standing Counsel
For R2	: Mr.B.Thanga Aravindh Government Advocate (Crl.side)

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks renewal of the petition mentioned passport. The application was not processed in view of the pendency of quite a few criminal case against the petitioner. That led to the filing of this writ petition.



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3. When the matter was taken up for hearing, the petitioner's prayer was strongly opposed by the police authorities through the learned Government Counsel. It is stated that the case registered against the petitioner had culminated in Spl.S.C.Nos.36/2021, 147/2021, 57/2021, 141/21, 23/21 and 8/21 on the file of the Special Court for MMDR Act cases, Madurai.

4. The petitioner through his counsel gives an undertaking that he will immediately file miscellaneous petitions under Section 205 of Cr.P.C., before the Special Court. I am conscious that the language of Section 205 is applicable only to Magistrate Courts. However as a matter of practice, Sessions Court also do entertain petitions under the said provision.

5. The learned Special Judge for MMDR Act cases, Madurai, is directed to entertain the petitions to be filed by the petitioner and also allow the same, thus, in my view should address the concerns of the prosecution. Since the petitioner is going to be represented by a counsel in whose favour he has executed special vakalat, the proceedings will not



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be stalled on any account. The learned counsel can answer the charges also. The petitioner through his counsel gives a further undertaking that he will not dispute the identity of the witnesses later. The Special Court can also stipulate few more conditions as it may deem fit.

6. The learned counsel for the petitioner states that the petitioner's wife is suffering from cancer and she requires to be taken for treatment abroad. The petitioner also states that he needs to travel abroad for his business purposes. The right to travel abroad is a fundamental right. When the concerns of the prosecution has been adequately taken care, there is no reason to deny relief to the petitioner. The first respondent is directed to process the petitioner's application and issue passport to the petitioner as expeditiously as possible.

7. This writ petition is allowed. No costs.

02.03.2023

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

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G.R.SWAMINATHAN,J.

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