



W.P(MD)No.4606 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4606 of 2023

Selvamuthukumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Thirunagar Police Station,
Thirunagar,
Madurai District.

3.The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to renew the petitioner's passport in Passport No.K8764564 in reference to the File No.MD1075109319323 dated 24.02.2023 pending on the file of the 1st respondent Authorities, by considering the petitioner's representation dated 27.02.2023.



W.P(MD)No.4606 of 2023

For Petitioner : Mr.T.Palanisamy

For Respondents : Mr.G.Rajaraman for R1.
Mr.A.Albert James,
Government Advocate for R2 & R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks renewal of his passport.

3.The petitioner is figuring as A5 in Crime No.1 of 2019 registered on the file of District Crime Branch, Virudhunagar. Final report has been filed and the petitioner is figuring in the list of accused. CrI.M.P.No. 9032 of 2023 is pending before the Judicial Magistrate No.II, Virudhunagar. The petitioner is given liberty to file a miscellaneous petition before the learned Judicial Magistrate No.II, Virughunagar. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. The learned trial Judge shall bear in mind that right to travel abroad is a fundamental right.



W.P(MD)No.4606 of 2023

The petitioner's career and avocation may be at stake if he is denied the right to go abroad. Therefore, the trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application under Section 205 of Cr.P.C by executing a special vakalat.

4. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-mentioned application in terms of the said order.

5. This writ petition is disposed of accordingly. No costs.

15.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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3/4



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W.P(MD)No.4606 of 2023

G.R.SWAMINATHAN, J.

ias

To:-

1.The Inspector of Police,
Thirunagar Police Station,
Thirunagar,
Madurai District.

2.The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

Copy to:

The Judicial Magistrate No.II,
Virudhunagar.

W.P(MD)No.4606 of 2023

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