



W.P(MD)No.13650 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13650 of 2023

Aravindh

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Trichy – 620 018.

2.The Inspector of Police,
Rathinapurai Police Station,
Coimbatore City, Coimbatore.

3.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai 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.L4149877 in reference to the File No.TR1075243071723 dated 06.04.2023 pending on the file of the 1st Respondent Authorities, by considering the petitioner's representation dated 07.06.2023.



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For Petitioner : Ms.P.Krishnaveni

For Respondents : Mr.Karthikeya Venkatachalapathy,
Central Govt. Standing Counsel for R1.
Mr.A.Albert James,
Government Advocate for R2 & R3.

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate informs the Court that there are three cases pending against the petitioner. One case has been charge sheeted and taken on file in C.C.No.68 of 2023 on the file of learned Judicial Magistrate, Ponnamaravathy.



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4.The petitioner is given liberty to move the trial Court for the relief now sought for. 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. 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.

5.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.



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

22.11.2023

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

To:-

- 1.The Inspector of Police,
Rathinapurai Police Station,
Coimbatore City, Coimbatore.
- 2.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.

Copy to:-

The Judicial Magistrate,
Ponnamaravathy.



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G.R.SWAMINATHAN, J.

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