



W.P(MD)No.17449 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.17449 of 2023

Uthayapandiyan

... Petitioner

Vs.

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

2.The Inspector of Police,
Sedapatti Police Station,
Peraiyur Taluk,
Madurai District.

... Respondents

*(R2 is impleaded vide order dated
22.11.2023 in W.M.P.(MD)No.15678 of 2023
in W.P.(MD)No.17449 of 2023 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue passport to the petitioner by considering his application dated 17.04.2023 in file No.MD 1065269627923 based on the representation given by the petitioner dated 26.05.2023.



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For Petitioner : Mr.M.Gnana Guru Nathan

For Respondents : Mr.K.Maharajan,
Central Govt. Standing Counsel for R1.
Mr.A.Albert James,
Government Advocate for R2.

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 (Crl. Side) submitted that the criminal case registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No.306 of 2022 on the file of Judicial Magistrate, Usilampatti.



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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:-

The Inspector of Police,
Sedapatti Police Station,
Peraiyur Taluk,
Madurai District.

Copy to :-

The Judicial Magistrate,
Usilampatti.



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G.R.SWAMINATHAN, J.

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