



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.25498 of 2023

Akash Britto

... Petitioner

v.

1.The Passport Authority,
Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

2.The State rep.by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to consider the petitioner's passport Application No.MD2075786 226723 dated 15.09.2023 and direct the first respondent to reissue the passport to the petitioner on the basis of the petitioner's representation dated 07.10.2023.

For Petitioner : Mr.M.Beema Rao

For Respondents : Mr.K.Govindarajan

Dy.Solicitor General of India 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.41 of 2023 on the file of the Judicial Magistrate No.II, Nagercoil.

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.

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

22.11.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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