



W.P(MD)No.26246 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26246 of 2023

S.P.Udayakumar

... Petitioner

Vs.

Government of India,
Ministry of External Affairs,
Passport Issuing Authority,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to seek for a direction directing the respondent to re-issue the passport to the petitioner in application reference no. 23-1012165733 within a time stipulated by this Court.

For Petitioner : Mrs.T.Seeni Syed Amma
for M/s.Lajapathi Roy Associates
For Respondent : Mr.K.Govindarajan
DSGI



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ORDER

Heard the learned counsel for the petitioner and the learned DSGI for the respondents

2. The petitioner seeks re-issuance of passport.

3. The DSGI submitted that the petitioner's passport is valid upto 05.03.2024 and that this writ petition has been unnecessarily filed. He also pointed out that since the petitioner is involved in as many as 28 criminal case, the authority can issue passport only for a period of one year.

4. The learned counsel for the petitioner submitted that certain countries do not issue visa if the passport's validity period is restricted to one year. The very purpose of issuing passport is to enable the holder to travel abroad. I take judicial notice of the fact that the criminal cases came to be registered against the petitioner as he led the agitation protesting the establishment of nuclear plant in Kudankulam. Though the Hon'ble Supreme Court of India declined to interfere in the matter, it had indicated that the Government can consider dropping the criminal cases. The petitioner is a public activist. There is absolutely no possibility of his fleeing from the arms of justice for any reason. By no stretch of imagination, the petitioner can be called as flight risk. His area of activities is in India.



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5. In these circumstances, it is only just and proper that the validity of the petitioner's passport is extended from one year to three years. The Writ Petition is allowed accordingly. No costs.

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

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