



W.P(MD)No.27013 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27013 of 2023

and

W.M.P.(MD)Nos.23189 and 23190 of 2023

Sahaya Rebin

... Petitioner

Vs.

1.The Regional Passport Officer,
O/o. Regional Passport Office,
Madurai District.

2.The Superintendent of Police,
Nagercoil, Kanyakumari District.

3.The Inspector of Police,
Suchidram Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned clarification under Letter Ref. No.SCN/316054899/23, dated 27.10.2023 and to quash the same as unwarranted and unlawful and further direct the 1st Respondent herein to re-issue Passport under File No.MD2075876840923, to the petitioner herein, within a time frame as fixed by this Court.



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For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.K.Sankararaman,
Central Govt. Standing Counsel for R1.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R2 & R3.

ORDER

Heard both sides.

2.The petitioner seeks re-issuance of passport.

3.The learned Government Advocate (Crl. Side) informs the Court that Crime No.631 of 2020 registered against the petitioner on the file of the third respondent has now been charge sheeted and taken on file in C.C.No.800 of 2022 on the file of learned Judicial Magistrate No.III, 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



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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.

24.11.2023

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

ias

To:-

- 1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Suchidram Police Station,
Kanyakumari District.

Copy to:-

The Judicial Magistrate No.III,
Nagercoil.

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