



W.P(MD)No.27726 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27726 of 2023

Murugesan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Trichy-620 018.

2.The Inspector of Police,
Aranthangi 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 issue passport to the petitioner on the basis of the petitioner's application dated 27.06.2022 pending in File No. TR2074346730122 before the 1st respondent by accepting the petitioner explanation within a time frame.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.K.Govindarajan
DSGI for R1

: Mr.Albert James
Government Advocate for R2



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ORDER

Heard both sides.

2. The petitioner wants issuance of passport.

3. When the matter was taken up for hearing, the learned Government Advocate appearing for R2 submitted that against the petitioner, as many as 6 cases are pending under the Mines & Minerals (Development and Regulation) Act, 1957. One case has been charge sheeted and it is pending on the file of the Judicial Magistrate, Aranthangi in C.C.No.44 of 2023.

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



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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.

14.12.2023

Index : Yes / No

Internet : Yes/ No

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To

The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.



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G.R.SWAMINATHAN, J.

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