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W.P.(MD)NO.28799 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28799 of 2023

Kathir Khaman

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Thiruchirappalli – 620 018.
2. The Superintendent of Police,
O/o.the Superintendent of Police,
Ramanathapuram.
3. The Inspector of Police,
Paramakudi Town police station,
Ramanathapuram District.
(Crime No.449 of 2012)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref. No. SCN/315672795/23 dated 04.09.2023 passed by the respondent No.1 and quash the same as illegal, consequently directing the respondent No.1 to issue passport to the petitioner forthwith based on his application in File No. MD1065713706723 dated 24.08.2023.



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For Petitioner : Mr.A.Mohamed Riyaz
For R-1 : Mr.K.Maharajan
For R-2 & R-3 : Mr.A.Albert James,
Government Advocate.

* * *

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 S.C.No.133 of 2016 on the file of the Sessions Court, Ramnad.

4.The petitioner is given liberty to move the Sessions 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 Sessions 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 Sessions 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 Sessions 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 Sessions 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.

18.12.2023

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

PMU

To:

1. The Regional Passport Officer,
Regional Passport Office,
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Thillainagar 7th Cross,
Thiruchirappalli – 620 018.
2. The Superintendent of Police,
O/o.the Superintendent of Police,
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