



1

W.P.(MD)NO.29601 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.29601 of 2023

M.Lakshmikanthan

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue passport to the petitioner based on the petitioner's online application dated 06.04.2022 in No.MD2074101310522.

For Petitioner : Mr.M.Maran

For Respondent : Mr.C.Nandhagopal

* * *

**ORDER**

WEB COPY

Heard both sides.

2. The petitioner seeks renewal of passport.

3. When the matter was taken up for hearing, the learned Central Government Standing counsel submitted that the petitioner is facing criminal prosecution on the file of the Judicial Magistrate No.IV, Tirunelveli in C.C.No.103 of 2006 and C.C.No.105 of 2007. Both arose under the Copyright Act.

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.

18.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.



WEB COPY



4

W.P.(MD)NO.29601 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.29601 of 2023

18.12.2023