



W.P.No.13966

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.13966 of 2024

Senthilnathan

... Petitioner

Vs.

1. The Regional Passport Officer,

Regional Passport Office Coimbatore,

1st Floor, Corporation Commercial Complex,

Opposite Thandumariamman Koil,

Avinashi Road, Coimbatore – 641 018.

2. The Inspector of Police,

Batalangundu Police Station,

Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to

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issue a Writ of Mandamus, directing the 1st respondent to re-issue passport with

10 year validity to the petitioner by considering his application

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No.CB1074185405122 dated 05.05.2022.

For Petitioner : Mr.R.Jayaprakash

For R1 : Mr.M.Sathyan, ACGSC

ORDER

Heard both sides.

2. The petitioner seeks renewal of passport. The learned Standing Counsel appearing for the first respondent states that the petitioner's application is already closed. It is also seen that the petitioner is facing trial in C.C.No.114 of 2021 on the file of the Judicial Magistrate, Nilakottai for certain offences.



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3. The petitioner has to file a fresh application before the first respondent.

The petitioner is also given liberty to move the Judicial Magistrate, Nilakottai 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.

4. Based on the order passed by the trial Court, the petitioner shall move



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the jurisdictional regional passport officer who shall dispose of the petition-
mentioned application in terms of the said order.

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5. This writ petition is disposed of accordingly. No costs.

22.05.2024

skr/kst

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

G.R.SWAMINATHAN, J.

skr/kst

To

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