



W.P(MD)No.1243 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1243 of 2024

and

W.M.P.(MD)Nos.1276, 1278 and 1279 of 2024

Ilangovan Nagalingam

... Petitioner

Vs.

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

2.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

... Respondents

*(R7 is impleaded vide order dated 05.03.2024
in W.M.P.(MD)No.3633 of 2024 in
W.P.(MD)No.1243 of 2024 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent issued in File No.MD 1076021478123 dated 04.01.2024, quash the same and consequently directing the respondent to release the passport of the petitioner.



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For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.K.Govindarajan,
Asst. Solicitor General of India for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner was implicated as an accused in Crime No.279 of 2019 on the file of Paramakudi Twon Police Station for the offences under Sections 147, 148, 294(b), 341, 352, 355, 420 and 506(ii) of IPC. The case was charge sheeted and it has been taken on file in C.C.No.44 of 2020 on the file of the learned Judicial Magistrate No.III, Paramakudi. The petitioner applied for issuance of passport. The passport was also issued. The petitioner however failed to mention his implication in the criminal case. When this became known in the police verification report, the first respondent directed the petitioner to surrender the passport. Thereupon, the petitioner also surrendered his passport. After doing so, the present writ petition came to be filed.



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3. In normal circumstances, this Court would have relegated the petitioner to move the trial Court for relief. But in this case, the petitioner happens to be a practicing lawyer. The learned counsel for the petitioner states that the petitioner is in urgent need of his passport to attend his brother's daughter's marriage at Malaysia on 27.03.2024. It is seen that the petitioner's enrolment number is 265/1984. It is also stated that the petitioner's implication was on account of his holding the office of the Correspondent of a school. I am of the view that the special facts obtaining in this case warrants granting of relief. The petitioner through his counsel undertakes to submit the passport before the trial Court after return from Malaysia. It is also stated that the petitioner will be abroad for hardly a few weeks. The petitioner can thereafter file a miscellaneous petition before the trial Court. In the said miscellaneous petition, the respondents herein will be shown as parties. The petitioner's right to retention or handing over of passport will depend upon the order to be passed by the trial Court. The petitioner is directed to appear before the first respondent on 07.03.2024 at 03.00 pm. The first respondent is directed to hand over the surrendered passport to the petitioner on production of this order copy and after obtaining receipt from the petitioner herein.



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4.The learned Judicial Magistrate No.III, Paramakudi is directed to dispose of C.C.No.44 of 2020 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

05.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy 05.03.2024.

Note:-

The Registry is to mark a copy of this order to the learned Judicial Magistrate No.III, Paramakudi.

To:

The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

Copy to:-

The Judicial Magistrate No.III,
Paramakudi.



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G.R.SWAMINATHAN, J.

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