



W.P(MD)No.3598 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3598 of 2024

R.Kasaniya

... Petitioner

Vs.

1.The Regional Passport Officer,
Passport Office,
Bharathi Ula Street,
K.Pudur, Madurai.

2.The Assistant Passport Officer,
Passport Office,
Bharathi Ula Street,
K.Pudur, Madurai.

3.The Inspector of Police Cum Investigation Officer,
Illicit Granite Quarry Cases,
Melur Circle,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 and 2 to issue a passport to the petitioner with a validity of ten years on the strength of the petitioner's application uploaded on 03.05.2023 vide File No. MD1075328073323 as expeditiously as possible within the time stipulation as prescribed by this Court.



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For Petitioner : Ms.V.Moushica

For Respondents : Mr.K.Asok Kumar Ram,
Central Govt. Standing Counsel for R1 & R2.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R3.

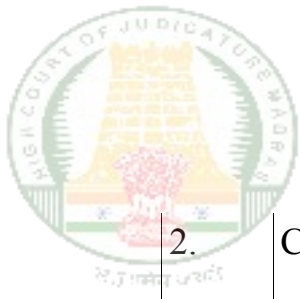
ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. She has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of her involvement in criminal cases, 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 cases registered against the petitioner have since been charge sheeted. The details are as follows:-

<i>S.No.</i>	<i>Crime No</i>	<i>Stage of the case</i>
1.	Crime No.156 of 2012	P.R.C.No.9 of 2017 on the file of Judicial Magistrate, Melur.



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2.	Crime No.166 of 2012	P.R.C.No.12 of 2016 on the file of Judicial Magistrate, Melur.
3.	Crime No.233 of 2012	Spl.S.C.No.19 of 2021 on the file of Special Court for MMDR Act Cases, Madurai.
4.	Crime No.397 of 2013	P.R.C.No.15 of 2017 on the file of Judicial Magistrate, Melur.
5.	Crime No.19 of 2015	P.R.C.No.208 of 2023 on the file of Judicial Magistrate No.1, Madurai

4.The petitioner is given liberty to move the learned Judicial Magistrate, Melur 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 Judicial Magistrate, Melur shall bear in mind that right to travel abroad is a fundamental right. The petitioner's career and avocation may be at stake if she is denied the right to go abroad. Therefore, the Judicial Magistrate 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 Judicial Magistrate 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.



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5. Based on the order passed by the Judicial Magistrate, Melur, 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.

13.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Regional Passport Officer,
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Bharathi Ula Street,
K.Pudur, Madurai.
2. The Assistant Passport Officer,
Passport Office,
Bharathi Ula Street,
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G.R.SWAMINATHAN, J.

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