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W.P.(MD)NO.4528 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4528 of 2024

Vinoth

... Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office
New Municipal Complex,
Thillanagar 7th Cross,
Trichy – 620 018.
2. The Inspector of Police,
Pattukottai Taluk police station,
Thanjavur District.
3. The Inspector of Police,
Adiramapattinam police station,
Thanjavur District.
4. The Inspector of Police,
Sethubavachatram police station,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue a passport to the petitioner based on his application No.TR1075703757123 dated 22.08.2023 within the time stipulated by this Court.

For Petitioner	: Mr.K.M.Karunakaran
For R-1	: Mr.Paramasivam
For R-2 to R-4	: Mr.A.Albert James, Government Advocate.

**ORDER**

Heard both sides.

2. When the matter was taken up for hearing, the learned Government Advocate submitted that the petitioner is figuring as an accused in C.C.No.68 of 2024 on the file of the Judicial Magistrate, Pattukottai.

3. The petitioner is given liberty to move the learned trial Magistrate seeking the relief now sought for. If any MP is filed, the same shall be numbered and disposed of on merits and in accordance with law within a period of three weeks thereafter. Based on the order to be passed by the learned trial Magistrate, the first respondent will act accordingly. The learned trial Magistrate shall also certainly bear in mind that the right to travel abroad is a fundamental right. Of course suitable fine can be imposed. In similar cases, this Court has passed the following order:-

“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.”

3. This writ petition stands disposed of accordingly. No costs.

05.03.2024

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

Note : Issue order copy on 08.03.2024.



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4

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G.R.SWAMINATHAN,J.

PMU

To:

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