



W.P(MD)No.4506 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.4506 of 2024

and

W.M.P.(MD)No.4532 of 2024

Parameswaran Alagarsamy

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharath Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Town West Police Station,
Dindigul, Dindigul District.

... Respondents

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 pertaining to the impugned communication order issued by the 1st respondent in his proceedings in letter ref No.FCI/316822845/24 dated 18.01.2024, quash the same as illegal and consequently directing the 1st respondent to issue passport based on petitioner's Application No.MD1064949172523 within a stipulated time limit as fix by this Court.



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For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.B.Rajesh Saravanan,
Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner challenges the impugned letter dated 18.01.2024 issued by the first respondent seeking certain clarifications. It is not necessary to interfere with the said notice.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that the criminal case registered against the petitioner has since been charge sheeted and it has been taken on file in S.T.C.No.1546 of 2023 on the file of the learned Judicial Magistrate No.I, Dindigul.

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



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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. Consequently, connected miscellaneous petition is closed.

13.03.2024

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



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharath Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 2.The Inspector of Police,
Town West Police Station,
Dindigul, Dindigul District.

Copy to:-

The Judicial Magistrate No.I,
Dindigul.

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