



W.P.(MD)No.4814 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4814 of 2024

Annalakshmi

... Petitioner

Vs

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

2.The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner pursuant to the petitioner's application dated 12.01.2024 bearing file No.MD 1076159320724 by considering the petitioner's reply more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.M.P.Saravanan
For R-1 : Mr.T.Mahendran
For R-2 : Mr.A.Albert James
Government Advocate
(Criminal Side)



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ORDER

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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 a criminal case, 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 case registered against the petitioner has since been charge sheeted and it has been taken on file in S.T.C.No.485 of 2022 on the file of the learned Judicial Magistrate No.I, Sivagangai.

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 she is denied the



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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.

27.03.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

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- 1.The Judicial Magistrate No.I,
Sivagangai.
- 2.The Regional Passport Officer,
Office of the Regional Passport,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 3.The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.



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G.R.SWAMINATHAN, J.

Nsr

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