



W.P.(MD)No.5896 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.03.2024

CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5896 of 2024

Syed Kasim

... Petitioner

Vs

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

2.The Inspector of Police,
Mandapam Police Station,
Ramanathapuram.

... 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 consider the petitioner's representation dated 01.03.2024 to issue fresh passport in File No.MDA066206417324 dated 31.01.2024 pending before the first respondent's office within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.B.Mahendrarajan

(*)For R-1 : Mr.Paul Pandi,

Central Govt. Standing Counsel.

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. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his 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 PRC No.13 of 2023 on the file of the learned Judicial Magistrate, Rameshwaram.

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



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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.

Sd/-

Assistant Registrar(CS II)

(*)Corrected as per the order of this Court dated 11.09.2024 in WP(MD)No.5896 of 2024

Sd/-

Assistant Registrar(CS II)

// True Copy //

/05/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

Nsr

To be substituted to the order already despatched on 28/05/2024.

To

1. The Judicial Magistrate,
Rameshwaram.



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

3.The Inspector of Police,
Mandapam Police Station,
Ramanathapuram.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.PAUL PANDI, Advocate (SR-17168[F] dated 01/04/2024)

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27.03.2024

MK/02.05.2024 4P 6C

BV(23/09/2024) 4P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.