



W.P(MD)No.6249 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6249 of 2024

Karthikeyan Palanisamy

... Petitioner

Vs.

1.The Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Superintendent of Police,
Round Rd, Elil Nagar,
Dindigul 624 003.

3.The Inspector of Police,
Oddanchatram Police Station,
Dindigul -Bangalore Road,
Oddanchatram.

4.The Inspector of Police,
Kallimandayam Police Station,
Oddanchatram,
Dindigul District-624 616.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to reissue the passport under the file number MD1073840976121 dated 28.12.2021 bearing Passport Number V4507188 dated 28.12.2021 to the petitioner by considering the explanation dated 14.02.2024.



W.P(MD)No.6249 of 2024

For Petitioners : Mr.D.Selvam

For Respondents : Mr.T.Mahenran
for R1
: Mr.A.Albert James
Government Advocate (Crl.side)
for R2 to R4

ORDER

Heard both sides.

2.The petitioner seeks re-issuance of passport.

3. When the matter was taken up for hearing, the learned Government Advocate appearing for the jurisdictional police submitted that the petitioner is facing prosecution in C.C.No.221 of 2016 on the file of the Judicial Magistrate, Oddanchatram.

4. It is fairly stated by the petitioner's counsel that the petitioner was facing proceedings under Section 107 of Cr.P.C. In the very nature of things, such proceedings have only validated for a limited duration. Therefore, initiation of security proceedings against the petitioner shall not be put against the petitioner.

5.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



W.P(MD)No.6249 of 2024

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.

6. 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.

7. This writ petition is disposed of accordingly. No costs.

25.03.2024

Index : Yes / No
Internet : Yes/ No
rmi



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W.P(MD)No.6249 of 2024

G.R.SWAMINATHAN, J.

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To

- 1.The Superintendent of Police,
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- 2.The Inspector of Police,
Oddanchatram Police Station,
Dindigul -Bangalore Road,
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W.P(MD)No.6249 of 2024

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