



W.P.(MD).No.7059 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.7059 of 2024

V.Radha Ravi

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Madurai.

2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai 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 relating to the impugned order passed by the respondent dated 02.03.2024 and quash the same as illegal and consequently, direct the 1st respondent herein forthwith re-issue the petitioner's passport bearing No.B9520971 dated 23.01.2024 within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For R-1 : No appearance

For R-2 : Mr.A.Albert James
Government Advocate (Crl. Side)



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ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the second respondent.

2. The petitioner challenges the impugned letter dated 02.03.2024 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 C.C.No.377 of 2022 on the file of the learned Judicial Magistrate, Melur.

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



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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
Lm

To

1.The Passport Officer,
Regional Passport Office,
Madurai.

2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

3.The Judicial Magistrate,
Melur.



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G.R.SWAMINATHAN, J.

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