



W.P.(MD).No.7082 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.7082 of 2024

V.Arumugasamy

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Road,
Reserve Line,
Madurai.

2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

3.The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to reissue the petitioner's passport bearing No.M3626915 by considering his Passport Application No.MD1076193481524 dated 24.01.2024.

For Petitioner : Mr.M.Anbarasi

For R-1 : Mr.S.Ashok Kumar

For R-2 & R-3 : Mr.A.Albert James
Government Advocate (Crl. Side)



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ORDER

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Heard both sides.

2. The petitioner seeks renewal of his passport. The petitioner is facing prosecution in four cases. One case is pending at the FIR stage itself. Two cases are pending before the learned Judicial Magistrate, Sattur and one case is pending trial in S.C.No.113 of 2018 on the file of the Sub Court, Sivakasi.

3. The petitioner is given liberty to move the Sub Court, Sivakasi 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 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.



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4. 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.

5. 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,
Bharathi Ula Road,
Reserve Line,
Madurai.
- 2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
- 3.The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
- 4.The Sub Court,
Sivakasi.



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G.R.SWAMINATHAN, J.

Lm

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