



W.P.(MD).No.7997 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.7997 of 2024

A.Mohamed Hussain

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
2nd Floor, Corporation Commercial Complex,
7th Cross Street, West Thillai Nagar,
Trichy.

2.The Inspector of Police,
Mimisal Police Station,
Pudukkottai 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 renew and issue passport to the petitioner pursuant to the petitioner's application in Application No.24-2000744328 dated 12.02.2024 within the time stipulated by this Court.

For Petitioner : Mr.R.Senthil Kumar

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



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ORDER

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Heard both sides.

2. The petitioner seeks re-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 C.C.No.288 of 2024 on the file of the learned Judicial Magistrate, Manamelkudi.

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



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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. There shall be no order as to costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

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2. The Inspector of Police,
Mimisal Police Station,
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3. The Judicial Magistrate,
Manamelkudi.



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G.R.SWAMINATHAN, J.

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