



W.P(MD)No.8354 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8354 of 2023

Bensam Magesh

... Petitioner

Vs.

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

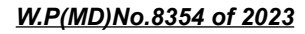
2.The Inspector of Police,
Kudankulam Town Police Station,
Tirunelveli District.

... 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 the petitioner passport bearing No.W0815843 vide renewal Application dated 06.02.2023 in Ref.No.MD2075042709323 consequently issue the renewed passport to the petitioner within the time fixed by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.P.Subbiah,
Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.



Heard both sides.

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 S.C.No.653 of 2023 on the file of the learned Sub Court, Valliyur.

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. No costs.

13.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 2.The Inspector of Police,
Kudankulam Town Police Station,
Tirunelveli District.

Copy to:-

The Sub Court,
Valliyur.

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