



W.P(MD)No.11549 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11549 of 2024

Sivaganapathy

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Trichy New Municipal Complex,
Thillainagar 7th Cross, Trichy.

2.The Inspector of Police,
Aranthangi 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 first respondent to issue passport to the petitioner based on his Application dated 06.04.2023 in File No.TR2065243136323 pending before the first respondent by accepting the petitioner's explanation within a time frame.

For Petitioner : Mr.K.S.Duraipandian

For Respondents : Mr.M.Karthikeyavenkatachalapathy for R1.
Mr.R.Suresh Kumar,
Govt. Advocate (Crl. Side) for R2.



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ORDER

Heard both sides.

2.The petitioner seeks 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 two criminal cases are pending against the petitioner. One is at the FIR state while the other case had culminated in C.C.No.199 of 2021 on the file of Judicial Magistrate, Aranthangi.

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



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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.

14.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

Copy to:

The Judicial Magistrate,
Aranthangi.



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G.R.SWAMINATHAN, J.

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