



W.P(MD)No.13277 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13277 of 2024

Peter

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Eral Police Station,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to issue the passport to the petitioner by considering the petitioner's application in file No. MD 2066577009924 as well as the petitioner's representation dated 12.06.2024 within a time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.K.Govindarajan
DSGI for R1
: Mr.A.Albert James
Government Advocate (Crl.side) for R2



W.P(MD)No.13277 of 2024

WEB COPY

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 the criminal case registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No. 42 of 2023 on the file of the Judicial Magistrate, Srivaikundam.

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 stipulate appropriate conditions to ensure that the prosecution is not stalled on



W.P(MD)No.13277 of 2024

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.

21.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

The Inspector of Police,
Eral Police Station,
Thoothukudi District.



WEB COPY



W.P(MD)No.13277 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.13277 of 2024

21.06.2024