



W.P(MD)No.13095 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13095 of 2024

Gopalakrishnan

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
K.Pudur, Madurai District.

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.

3.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai District.

4.The Inspector of Police,
City Crime Branch (CCB),
Madurai District.

5.The Inspector of Police,
District Crime Branch (DCB),
Madurai District.

6.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated on 11.06.2024 and accept his passport application in File No. MD1076578815924 and grant the petitioner ten year or usual passport.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.A.Srinivasan
Central Government Standing Counsel
for R.1

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2 to R.5

ORDER

It is not in dispute that the petitioner is facing as many as 7 cases.
All are under the provisions of the Mines and Minerals Act.

2.When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) submitted that the criminal cases registered against the petitioner have since been charge sheeted and it has been taken on file in SPL.S.C.Nos. 23, 36, 08, 57 of 2021 on the file of Special Court for MM(D&R) Act Cases, Madurai, SPL.C.C.Nos.141 and



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147 of 2021 on the file of Special Court for MM(D&R) Act Cases, Madurai and C.C.No.589 of 2023 on the file of the learned Judicial Magistrate No.I, Madurai.

3.The petitioner is given liberty to move the trial Courts 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 Courts 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.

4.Based on the order passed by the trial Courts, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-mentioned application in terms of the said order.



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5.This writ petition is disposed of accordingly. There shall be no order as to costs.

20.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

- 1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
K.Pudur, Madurai District.
- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.
- 3.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai District.
- 4.The Inspector of Police,
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- 1.The Special Court for MM(D&R) Act Cases,
Madurai.
2. Judicial Magistrate No.I, Madurai.



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G.R.SWAMINATHAN,J.

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