



1

W.P.(MD)NO.14291 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14291 of 2024

Suresh

... Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
New Delhi.
2. The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai – 625 002.
3. The Consular,
The High Commission of India,
Baitussyifaa, Simpang 40,
22, Jalan Sungai Akar,
Bandar Seri Begawan, Brunei – BC 3915.
4. The Inspector of Police,
Orathanadu police station,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to process the application of the petitioner vide reference No.ARN NO.23-2004627572 for renewal of Indian Passport No.N6948166 and consequently direct the third respondent to renew the passport of the petitioner within the time frame as fixed by this Court.



For Petitioner : Mr.M.Karthick
For R-1 to R-3 : Mr.T.Mahendran,
For R-4 : Mr.A.Albert James,
Government Advocate.

* * *

ORDER

Heard both sides.

2.The petitioner seeks renewal 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 P.R.C.No.37 of 2017 on the file of the Judicial Magistrate, Orathanadu.



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 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.

10.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



To:

1. The Government of India,
Ministry of External Affairs,
New Delhi.
2. The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai – 625 002.
3. The Consular,
The High Commission of India,
Baitussyifaa, Simpang 40,
22, Jalan Sungai Akar,
Bandar Seri Begawan, Brunei – BC 3915.
4. The Inspector of Police,
Orathanadu police station,
Thanjavur District.



WEB COPY



5

W.P.(MD)NO.14291 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.14291 of 2024

10.07.2024