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W.P.(MD)NO.13577 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13577 of 2024

S.J.Jegan

... Petitioner

Vs.

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

2. The Commissioner of Police,
O/o.the Commissioner of Police,
Thoothukudi – 628 001.

3. The Inspector of Police,
North police station,
Thoothukudi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.1 to renew petitioner's passport in file No.MD1076630349724 by considering the petitioner's representation dated 18.06.2024.

For Petitioner : Mr.J.Suthakar

For R-1 : Mr.G.Thalaimutharasu,
Standing counsel.

For R2 & R-3 : 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 S.C.No.264 of 2019 on the file of II Additional Sessions Judge, Thoothukudi.

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.

27.06.2024

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



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G.R.SWAMINATHAN,J.

PMU

To:

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