



W.P(MD)No.13820 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13820 of 2024

Hariharan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road,
Trichy.

2.The Assistant Passport Officer,
Assistant Passport Office,
New No.201/7D, Old New.201/7,
Medical College Road,
Medical College Road,
Thanjavur – 613 004.

3.The Inspector of Police,
Madukkur Police Station,
Trichy.

4.The Inspector of Police,
Nagore Police Station,
Nagapattinam District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to



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renew the petitioner's passport bearing No. M 1393213 on the basis of the petitioner passport renewal application in File No. TR 11076574101924 dated 21.05.2024 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.B.Rajesh Saravanan
for R.1 & R.2

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.3 & R.4

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 (Criminal Side) submitted that the criminal case registered against the petitioner has since been charge sheeted and it has



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been taken on file in S.C.No.324 of 2022 on the file of II Additional District and Sessions Court, Thanjavur.

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.



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

27.06.2024

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

To

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W.B.Road,
Trichy.

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Thanjavur – 613 004.

3.The Inspector of Police,
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4.The Inspector of Police,
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Copy to

II Additional District and Sessions Court, Thanjavur.



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G.R.SWAMINATHAN,J.

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