



WEB COPY



W.P.(MD)No.14418 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.14418 of 2024

Navaneetha Bhuvanesh

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai-625 002,
Madurai District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondent to recall the petitioner's passport bearing No.Z7756361 dated 20.03.2024 which was issued by the respondent.

For Petitioner	: Mr.G.Aravinthan for M/s.Aran Legal Consultancy
For Respondent	: Mr.R.Senthil Kumar Standing Counsel

ORDER

This Writ Petition has been filed to forbear the respondent from recalling the petitioner's passport bearing No.Z7756361.



W.P.(MD)No.14418 of 2024

WEB COPY

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent.

3. It is the case of the writ petitioner that the petitioner has been issued with the passport on 20.03.2024. Thereafter, on 02.4.2024, the respondent issued the impugned communication to the petitioner to recall the passport issued to the petitioner stating that an adverse report has been received from the jurisdictional police station as if the petitioner had involved in two criminal cases.

4. The learned counsel for the petitioner submits that the cases referred by the respondent is an accident case, in which the pillion rider in the petitioner's vehicle was dead.

5. The learned Standing Counsel for the respondent submitted that the petitioner had suppressed the material facts of the criminal cases registered against him. On receipt of the adverse report from the respondent police, show cause notices have been issued to the petitioner for recalling the passport. He further submitted that the case registered against the petitioner under Section 304 (A) IPC is pending trial in C.C.No.966 of 2022 before the Chief Judicial Magistrate Court, Nagercoil, Kanyakumari.



W.P.(MD)No.14418 of 2024

6.It is seen from the records that passport had been issued to the petitioner and now, the show cause notice has been issued to the petitioner based on the adverse report submitted by the jurisdictional police authorities stating that criminal cases are pending against the petitioner under Section 304(A) IPC and 75 of TNP Act.

7.Considering the nature of crime, this Court is of the view that the passport authorities need not have gone to the extent of cancelling the passport issued to the petitioner. The case registered against the petitioner is pending trial before the trial Court. Therefore, 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.



W.P.(MD)No.14418 of 2024

8. 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.

9. This writ petition is disposed of accordingly. No costs.

16.08.2024

NCC : Yes/No
Index : Yes/No
ta

To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai-625 002,
Madurai District.



WEB COPY



W.P.(MD)No.14418 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD)No.14418 of 2024

16.08.2024