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W.P.(MD)NO.15743 OF 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.07.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.15743 of 2024**

Stalin Jose Johns

... Petitioner

Vs.

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

... Respondent

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to renew and issue passport to the petitioner based on the online application on 11.01.2024, the previous passport bearing No.L9722517 and explanation submitted on 26.06.2024 for the normal period of ten years from 01.06.2024 to 01.06.2034.

For Petitioner : Mr.M.Francis Xavier

For Respondent : Ms.B.Deepa,  
Central Government Standing counsel.

\* \* \*

**ORDER**

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When the matter was taken up for hearing, the learned Standing counsel appearing for the respondent submitted that the petitioner's application has already been closed.

2. I therefore grant liberty to the petitioner to file a fresh application for re-issuance of passport. The learned Standing counsel further points out that the petitioner is facing transaction in C.C.No.223 of 2021 on the file of the Judicial Magistrate No.II, Padmanabhapuram.

3. 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.

4. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the application to be filed in terms of the said order.

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

**15.07.2024**

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

**To:**

The Regional Passport Officer,  
The Regional Passport Office,  
Madurai, Bharathi Ula Veethi,  
Race Course Road,  
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**G.R.SWAMINATHAN,J.**

PMU

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