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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16490 of 2024 and
W.M.P.(MD)No.14282 of 2024

M.Jaffar Sadik ... Petitioner

Vs.

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

2. The Superintendent of Police,
   O/o.the Superintendent of Police,
   Dindigul.

3. The Inspector of Police,
   Town South police station,
   Dindigul District.
   (in Crime Nos.1248 of 2020,
   2031 of 2020 & 1015 of 2021)

4. The Inspector of Police,
   Town North police station,
   Dindigul District.
   (in Crime No.351 of 2018) ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in letter Ref.No.SCN/317425203/24 dated 19.03.2024 passed by the first

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respondent and quash the same as illegal, consequently directing the first respondent to reissue the passport to the petitioner forthwith based on his application in file No.MD1066329799124 dated 05.03.2024.

For Petitioner : Mr.A.Mohamed Riyaz

For R-1 : Mr.K.Govindarajan,
Deputy Solicitor General of India.

For R-2 to R-4 : Mr.A.Albert James,
Government Advocate.

* * *

O R D E R

Heard both sides.

2.The petitioner seeks re-issuance 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

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been taken on file in P.R.C.No.88 of 2022 on the file of the Judicial Magistrate No.III, Dindigul.

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. No costs.

24.07.2024

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

To:

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G.R.SWAMINATHAN,J.

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