



W.P(MD)No.16052 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16052 of 2024

and

W.M.P.(MD)No.13947 of 2024

H.Alameen

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road,
Tiruchirapalli-620008.

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

3.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(In Crime No.178 of 2016)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records pertaining to the impugned notice in Letter Ref.No.OBJ/305241493/17 dated 22.03.2017 passed by the Respondent No.1 and quash the same as illegal, consequently directing the Respondent No.1 to reissue the passport to the petitioner forthwith based on his application in File No.TR1069925862517 dated 27.01.2017.



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For Petitioner : Mr.A.Mohamed Riyaz

For Respondents : Mr.K.Ashok Kumar Ram
for R1

: Mr.A.Albert James
Government Advocate (Crl.side) for R2 & R3

ORDER

Heard both sides.

2.The petitioner seeks reissuance 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 C.C.No.120 of 2023 on the file of the Judicial Magistrate, Pattukkottai.

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



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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. Consequently, connected miscellaneous petition is closed.

18.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



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To

- 1.The Superintendent of Police,
O/o.the Superintendent of Police,
Thanjavur.
- 2.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.



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G.R.SWAMINATHAN, J.

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