



W.P(MD)No.17023 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17023 of 2024

Thilip Vemmbaiah

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Thiruchirappalli City,
Thiruchirappalli.

2.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai.District.

... Respondents

*(R2 is suo motu impleaded vide order dated
24.07.2024 in W.P.(MD)No.17023 of 2024 by GRSJ).*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to issue a passport to the petitioner in application No.TR206624520732 dated 09.02.2024 based on the petitioner's representation 12.06.2024.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India for R1.
Mr.A.Alber James,
Govt. Advocate (Crl. Side) for R2.



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ORDER

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Heard both sides.

2.The petitioner seeks 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 cases registered against the petitioner have since been charge sheeted and they have been taken on file in C.C.No.44 of 2022 and S.T.C.No.175 of 2024 on the file of Judicial Magistrate No.I, Pudukottai.

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



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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.

29.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.

Copy to:

The Judicial Magistrate No.I,
Pudukkottai.



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G.R.SWAMINATHAN, J.

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