



W.P(MD)No.17860 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17860 of 2024

Kannaiyan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli – 620 018.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

3.The Inspector of Police,
Tamil University Police Station,
Thanjavur.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner by processing his application in file No.TR1076693652324 based on the explanation / representation dated 23.07.2024 within a time limit stipulated by this Court.

For Petitioner : Mr.B.Anandan



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W.P(MD)No.17860 of 2024

For Respondents : Mr.J.Alaguram Jothi
for R.1
Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2 & R.3

ORDER

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 (Criminal Side) submitted that two criminal cases have been registered against the petitioner. Crime No.918 of 2021 on the file of the second respondent is in the FIR stage while Crime No.41 of 2019 on the file of third respondent has since been charge sheeted and it has been taken on file in C.C.No. 260 of 2019 on the file of the learned Judicial Magistrate No.II, Thanjavur.

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,



W.P(MD)No.17860 of 2024

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.

6. This writ petition is disposed of accordingly. There shall be no order as to costs.

31.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



W.P(MD)No.17860 of 2024

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Copy to

The Judicial Magistrate No.II, Thanjavur.



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W.P(MD)No.17860 of 2024

G.R.SWAMINATHAN,J.

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W.P(MD)No.17860 of 2024

31.07.2024