



WP(MD). No.18323 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.18323 of 2024

Kannan

... Petitioner

Vs

1. The Regional Passport Officer,
O/o.Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002..

2. The Superintendent,
O/o.Regional Passport Officer,
Bharathi Ula Veethi,Race Course Road,
Madurai - 625 002..

3. The Inspector of Police,
City Crime Branch,Chennai City,
Crime No. 142/2016..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to re-issue the petitioners passport bearing passport No.L4968472 issued on 11.02.2014 by accepting the petitioner's explanation dated 16.07.2024 within a stipulated time fixed by this Court.



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WP(MD). No.18323 of 2024

For Petitioner : Mr.P.Balamurugan,
For Respondents : Ms.B.Deepa for R1 & R2
Mr.M.Vaikkam Karunanidhi for R3
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for a mandamus to direct the respondents 1 and 2 to re-issue the petitioner's passport bearing passport No.L4968472 issued on 11.02.2014 by accepting the petitioner's explanation dated 16.07.2024 within a stipulated time fixed by this Court.

2. Heard the learned counsel for the petitioner, learned counsel for the respondents 1 and 2 and the learned Government Advocate (Crl. Side) for the respondent No.3.

3.The petitioner seeks re-issuance of passport. He has submitted an application before the jurisdictional passport officer for renewal. Accordingly, he was called for for verification. When the petitioner appeared, he was issued with a show cause notice calling for an explanation from him stating that there is a criminal case pending against



WP(MD). No.18323 of 2024

him. Pursuant to the said notice, he has submitted his explanation also.

Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

4. 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.307/2020 on the file of Judicial Magistrate, No.I, Tambaram.

5. The petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed before the concerned Court, 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



WP(MD). No.18323 of 2024

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.

6. 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.

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

04.09.2024

NCC : Yes/No

Index : Yes/No

RR

TO

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O/o. Regional Passport Office, Bharathi Ula Veethi,
Race Course Road, Madurai - 625 002..
2. The Superintendent,
O/o. Regional Passport Officer,
Bharathi Ula Veethi, Race Course Road, Madurai - 625 002..
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WEB COPY



WP(MD). No.18323 of 2024

N.SATHISH KUMAR,J

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