



W.P.(MD)N.18966 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18966 of 2024

Muthukumaresan

... Petitioner

Vs.

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

2. The Inspector of Police,
Sattur Police Station,
Sattur, Virudhuagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the online application No. ARN:24-1007221271 dated 07.06.2024 towards the renewal of passport(No.Y7176412) of the petitioner and to renew his passport.

For Petitioner : Mr.T.Ravichandran

For R1 : Mr.M.Ashok Kumar
Senior Panel Counsel



WEB COPY



W.P.(MD)N.18966 of 2024

For R2

: Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal side)

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner seeks renewal of passport since his earlier passport got expired on 07.11.2022. 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.

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.485 of 2022 on the file of the learned Judicial Magistrate No.2, Sattur.



W.P.(MD)N.18966 of 2024

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, 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.

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.

06.08.2024

NCC : Yes / No
Index : Yes / No
P JL



WEB COPY



W.P.(MD)N.18966 of 2024

N.SATHISH KUMAR , J.

PJL

To
The Inspector of Police,
Sattur Police Station,
Sattur, Virudhuagar District.

W.P.(MD)No.18966 of 2024

06.08.2024