



W.P(MD)No.18184 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18184 of 2024

Xavier

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Represented by the Regional Passport Officer,
Bharathi Ula Road, Race Course Salai,
Madurai, Madurai District.

2.The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider petitioner's son namely Irudhaya Rojer's renewal application dated 10.05.2024 for the renewal of his passport bearing No.M7591540 as from 2025 to another prescribed period as per the rules forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.S.Ponsenthil Kumaran,
Central Govt. Standing Counsel for R1.
Mr.A.Albert James,
Government Advocate (Crl. Side) for R2.



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ORDER

Heard both sides.

2.The petitioner seeks issuance of passport for his son. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his involvement in 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.411 of 2022 on the file of learned Judicial Magistrate, Radhapuram.

4.The petitioner's son 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 son'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



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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 son'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.

01.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Radhapuram Taluk,
Tirunelveli District.

Copy to:

The Judicial Magistrate,
Radhapuram.



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G.R.SWAMINATHAN, J.

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