



W.P(MD)No.18491 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18491 of 2024

Mohamed Nooh

... Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
In Crime No.57 of 2019.

... Respondents

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 passport to the petitioner with validity of 10 years vide Passport Application No.MD1076690330724.

For Petitioner : Mr.M.Seeni Sulthan

For Respondents : Mr.M.Karthikeyavenkatachalapathy
CGSC for R1
: Mr.A.Albert James
Government Advocate (Crl.side) for R2



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ORDER

Heard both sides.

2.It is stated that the petitioner wants renewal of the passport for the purpose of undertaking to holy pilgrimage to Mecca. The trial Court can consider directing the authority to restrict the validity period to two years instead of one year. 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 petitioner is facing trial in C.C.No.425 of 2020 on the file of the Judicial Magistrate No.1, Kuzhithurai.

4. The petitioner is permitted to approach the trial Court for relief. As and when such application is filed, it shall be 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,



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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.

02.08.2024

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

1. The Regional Passport Officer,
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2. The Inspector of Police,
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G.R.SWAMINATHAN, J.

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