



W.P.(MD)N.18759 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18759 of 2024

Muthukumaresan

... Petitioner

Vs.

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

2. The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

3. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram 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 issue passport to the petitioner by considering the petitioner's application in File No.MD1074781313522 within the time frame fixed by this Court.

For Petitioner : Mr.S.Sundarapandian



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For R1 : Mr.K.Ashok Kumar Ram
Senior Panel Counsel

For R2 & R3 : 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 04.03.2023. 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.93 of 2018 on the file of the learned Judicial Magistrate, Tiruvadanai.



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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
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N.SATHISH KUMAR , J.

PJL

To

1. The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

2. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

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