



W.P.(MD) No.19313 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.19313 2024

Muniyasamy Nambupitchai

...Petitioner

-vs-

1.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Pamban Police Station,
Rameshwaram.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, to direct the first respondent to issue passport to the petitioner by considering the petitioner's application file No.MD1076292670924 and to permit the petitioner to go to abroad within the time limit that may be stipulated by this Court.



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For Petitioner	: Mr.R.Kiruba
For R1	: Mr.S.Pon Senthilkumaran Central Government Standing Counsel
For R2	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. 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 criminal case registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No.147 of 2023 on the file of the Judicial Magistrate, Rameshwaram.



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4.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 the 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.

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.



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

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Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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