



W.P.(MD) No.20232 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20232 of 2024

and

W.M.P.(MD)No.17167 of 2024

Satheeskumar Muniyappan

...Petitioner

-VS-

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

2.The Inspector of Police,
Eriodu Police Station,
Eriodu, Dindigul District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, call for the records pertaining to the impugned communication passed by the 1st respondent herein in his proceedings in Letter Ref.



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No.SCN/318716187/24 dated 29.07.2024 and quash the same as illegal and consequently direct the 1st respondent to issue fresh passport to the petitioner based on petitioner's application No.MD1066762678924 within a stipulated time limit as fixed by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.Rajesh Saravanan,
Standing Counsel for R1
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



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been taken on file in C.C.No.572/2023 on the file of Judicial Magistrate Court, Veda sandur.

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 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 allowed on these terms and the impugned order in Letter Ref.No.SCN/318716187/24 dated 29.07.2024, passed by the first respondent is set aside. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

vsm



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To

WEB COPY

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N.SATHISH KUMAR, J.

vsm

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