



W.P(MD)No.20983 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20983 of 2024

Shahul Hameed

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

2.The Commissioner of Police,
Commissioner Office Campus,
K.Pudhur, Alagar Kovil Road,
Madurai.

3.State through the Inspector of Police,
All Women Police Station,
Thiruparangundram, Madurai.

... 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 the petitioner's representation dated 16.04.2024 and to issue passport within a stipulated period.

For Petitioner : Mr.A.Raja

For R1 : M/s.B.Deepa,

Central Government Standing Counsel

For R2 & R3 : Mr.M.Vaikkam Karunanithi,

Government Advocate (Crl.Side)



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ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. The 1st respondent, vide communication dated 27.03.2024, directed the petitioner to approach before him to explain the case pending against the petitioner. Therefore, on 01.04.2024, the petitioner appeared before the 1st respondent and explained and thereafter, sent a representation dated 16.04.2024. Since the same has not been considered so far, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondents 2 and 3 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.109 of 2017 on the file of the Additional Mahila Court, Madurai.

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



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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. 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.

6. In view of the above terms, this writ petition is disposed of. No costs.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva



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N.SATHISH KUMAR, J

Yuva

To

- 1.The Commissioner of Police,
Commissioner Office Campus,
K.Pudhur, Alagar Kovil Road,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Thiruparangundram, Madurai.

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