



W.P(MD)No.20895 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.20895 of 2024

and

W.M.P.(MD)No.17698 of 2024

Abdulhai Kamal Batcha

... Petitioner

Vs.

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

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District, Dindigul.

3.The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication issued by the 1st respondent vide Letter Ref.No.SCN/319042493/24, dated 14.08.2024 and quash the same and consequently, directing the 1st respondent to issue passport to the petitioner in pursuance of online application made vide File No.MD1066799353524, dated 31.07.2024.



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For Petitioners : Mr.D.Shanmugaraja Sethupathi
For R1 : Mr.A.P.Rajasimman,
Central Government Standing Counsel
For R2 & R3 : 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. However, the 1st respondent, vide letter dated 14.08.2024, issued a communication, stating that adverse police verification report is received with remark as the applicant involved in Crime No.10 of 2017 under Sections 326, 148, 294(b), 147, 427, 506(ii) & 323 IPC on the file of Guziliamparai Police Station. Therefore, challenging the same, the petitioner has filed this Writ Petition.

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.226 of 2023 on the file of the Judicial Magistrate Court, Vedasandur.



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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. 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, the impugned communication issued by the 1st respondent dated 14.08.2024, is quashed. This writ petition is allowed



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accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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

Yuva

To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.



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N.SATHISH KUMAR, J

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