



W.P(MD).No.21488 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21488 of 2024

and

W.M.P(MD).Nos.18179 and 18180 of 2024

Ponram

... Petitioner

Vs.,

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

2.The Inspector of Police,
Koombur Police Station,
Dindigul District.
Crime No.74 of 2018

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the record pertaining to the impugned order passed in Letter Ref.No.SCN/318782011/24 vide in file No.MD1066622151524 dated 01.08.2024 by the first respondent and quash the same and consequently direct the first respondent to issue a passport to the petitioner by considering the petitioner's application dated 06.06.2024.



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For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.S.Paramasivam (For R1)
Central Government Standing Counsel
Mr.M.Vaikkam Karunanithi (for R2)
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 first respondent passed the impugned order stating that an adverse police report has been received against the petitioner as if a case in Crime No.74 of 2018 is pending against the petitioner.

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.10 of 2019 on the file of the learned Judicial Magistrate, Vedasanthur.



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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 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.This writ petition is allowed on these terms and the impugned order in Letter Ref.No.SCN/318782011/24 vide in file No.MD1066622151524, dated



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01.08.2024, passed by the first respondent is set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

Rmk

To

1.The Passport Officer,
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2.The Inspector of Police,
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N.SATHISH KUMAR, J.

Rmk

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