



W.P(MD).No.21436 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21436 of 2024

Manikandan

... Petitioner

Vs.,

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Race Course Road, Madurai.

2.The Inspector of Police,
Velayuthampattinam Police Station,
Devakottai, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to return the petitioner's passport No.X 9910837 dated 15.05.2023 based on the petitioner's explanation dated 31.05.2024 within the time stipulated by this Court.

For Petitioner

: Mr.T.Manikandan

For Respondents

: Mr.P.Subbiah (for R1)

Central Government Standing Counsel

Mr.M.Vaikkam Karunanithi (for R2)

Government Advocate (Crl.side)



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ORDER

Heard both sides.

2.The petitioner seeks to return of his passport No.X 9910837 dated 15.05.2023. 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. 214 of 2022 on the file of Judicial Magistrate Court, Devakottai.

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



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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 disposed of accordingly. No costs.

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NCC : Yes/No

Index : Yes/No

Rmk

To

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N.SATHISH KUMAR, J.

Rmk

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