



W.P(MD).No.21528 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21528 of 2024

Jeyaraman Thangavel Nadar

... Petitioner

Vs.,

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

2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai, 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 issue the passport to the petitioner by considering the petitioner's application file No.MD1073925683122 and to permit the petitioner to go to abroad within the time limit.

For Petitioner	: Mr.R.Sridhar
For Respondents	: Mr.H.Velavadhass (for R1) Senior Panel Counsel Mr.M.Vaikkam Karunanithi (for R2) Government Advocate (crl.side)



W.P(MD).No.21528 of 2024

ORDER

WEB COPY 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 been taken on file in C.C.No. 757 of 2022 on the file of the learned Judicial Magistrate, Manamadurai.

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



W.P(MD).No.21528 of 2024

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.

10.09.2024

NCC : Yes/No

Index : Yes/No

Rmk

To

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

2. The Inspector of Police,
Manamadurai Police Station,
Manamadurai, Sivagangai District.

3/4



WEB COPY



W.P(MD).No.21528 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.21528 of 2024

10.09.2024