



W.P(MD).No.21531 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21531 of 2024

Ahammed Mustafa Ibrahim Syed

... Petitioner

Vs.,

1.The Regional Passport Officer,
Regional Passport Office,
Madurai,
Bharathi Ula Veethi,
Race Corse Road,
Madurai -2.

2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai, Madurai 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 renew the petitioner's passport No.Z2387116 dated 16.03.2012 and issue a fresh passport to the petitioner within a time as stipulated as fixed by this Court.

For Petitioner	: Mr.P.Gunasekaran
For Respondents	: Mr.B.Rajesh Saravanan (for R1) Mr.M.Vaikkam Karunanithi (for R2) Government Advocate (Crl.side)



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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. 178 of 2021 on the file of the learned Judicial Magistrate No.5, 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 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



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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 -2.

2. The Inspector of Police,
Thideer Nagar Police Station,
Madurai, Madurai District.

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N.SATHISH KUMAR, J.

Rmk

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