



W.P.(MD) No.21707 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.21707 2024

and

W.M.P.(MD)No.18333 of 2024

Julius Sornappan Nishanth

...Petitioner

-vs-

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

2.The Inspector of Police,
ST Kulam Police Station,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in File No. MD1076910592924 passed by the 1st respondent and quash the same and consequently directing the 1st respondent to renew the petitioner's passport in Passport No.M1842358 and File No. MD1076910592924, within a stipulated time frame by this Court.

For Petitioner

: Mr.S.Muniyandi

For R1

: Mr.Pon Senthilkumaran
Standing Counsel



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For R2

: Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

ORDER

Heard both sides.

2.The petitioner's passport is due to expire. Hence, he made an application before the jurisdictional passport officer seeking re-issuance of his passport. Since the passport of the petitioner had been withheld due to the pendency of the criminal case against the petitioner, 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.110 of 2021 on the file of Judicial Magistrate, Additional Mahila Court, Nagercoil.

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

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

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Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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