



W.P.(MD)No.22190 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22190 of 2024

S.Balakrishnan

.. Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Officer,
Tiruchirappalli Municipal Water Tank Building,
W.B.Road, Tiruchirappalli 620 008.

2.The State of Tamil Nadu
rep., by the Inspector of Police,
Nagudi Police Station,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to renew and reissue the passport to the petitioner in his application vide file No.TR1076826118724 dated 05.08.2024 pending on the file of the first respondent within a reasonable time.

For Petitioner : Mr.K.Kharikharadas
For Respondents : Mr.R.Ganeshkumar(for R1)
M.Vaikkam Karunanithi (for R2)
Government Advocate (crl.side)



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ORDER

Heard both sides.

2.The petitioner seeks re-issuance/renew 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.134 of 2014 on the file of the Judicial Magistrate Court, Aranthangi.

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



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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.

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Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

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