



W.P.(MD) No.22722 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.22722 2024

A.S.Manoj Kumar

...Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

2.The Superintendent of Police,
Ramnad District, Ramnad.

3.The Inspector of Police,
All Women's Police Station,
Ramanathapuram.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, forbearing the 1st respondent from insisting upon the surrender of the original passport of the petitioner bearing Passport No.W1151200 standing in the name of the petitioner.

For Petitioner	: Mr.S.Sadiq Aditya for Mr.G.Prabhu Rajadurai
For R1	: Mr.J.Alaguram Jothi
For R2 & R3	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)



W.P.(MD) No.22722 of 2024

ORDER

WEB COPY

Heard both sides.

2.The petitioner apprehending that the first respondent will insist the petitioner to surrender the original passport of the petitioner in view of his involvement in a criminal case registered with regard to the matrimonial dispute between the petitioner and his wife, has filed the present writ petition.

3.The learned counsel for the petitioner submitted that the petitioner is working in US. There is a matrimonial dispute between the petitioner and his wife and a petition for divorce in H.M.O.P.No.10 of 2024 is pending before the Family Court, Thoothukudi. In the meanwhile, the wife of the petitioner had given a complaint before the third respondent police and the same has been registered in Crime No.6 of 2024. When the petitioner returned to India, he was detained on the basis of the look out notice issued against him. Thereafter, he was released on bail.



W.P.(MD) No.22722 of 2024

WEB COPY

4.In the meantime, the petitioner had applied for renewal of his passport. In the said application, the petitioner was called upon to appear for enquiry. In the said enquiry, the passport authorities are insisting the petitioner to surrender the original passport issued to him. On the apprehension that on production of the original passport, the first respondent may impound the same, consequent upon the registration of the criminal case, the petitioner has filed this writ petition seeking to forbear the respondent from insisting the petitioner to hand over the original passport.

5.The learned Government Advocate (Crl. Side) submitted that the criminal case registered against the petitioner has been charge sheeted and it has been filed on the file of the Additional Mahila Court, Ramanathapuram in C.C.No.97 of 2024.

6.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 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.

7. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the application in terms of the said order.

8. In the meanwhile, the petitioner shall appear for enquiry before the first respondent. In the event, if the first respondent proceeds to initiate any coercive action against the petitioner for impounding the passport, the same shall be done after giving an opportunity of hearing to the petitioner.



WEB COPY



W.P.(MD) No.22722 of 2024

9.This writ petition is disposed of accordingly. No costs.

24.09.2024

Index : Yes / No

Internet : Yes / No

ta

To

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

2.The Superintendent of Police,
Ramnad District, Ramnad.

3.The Inspector of Police,
All Women's Police Station,
Ramanathapuram.



WEB COPY



W.P.(MD) No.22722 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD) No.22722 of 2024

24.09.2024