



W.P(MD).No.22940 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.22940 of 2024
and
W.M.P(MD).No.19462 of 2024**

D.Sankar

... Petitioner

Vs.,

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

2.The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.

3.The Inspector of Police,
Vadipatty Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records in relating to the impugned order in Letter Ref.No.SCN/319448937/24 dated 10.09.2024 of the first respondent and to quash the same as illegal and consequent direction to the first respondent to re-issue/renew the passport for the period of 5 years on the basis of



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the petitioner's application taken on file as File No.MD3076870939524 dated 22.08.2024 within the time stipulated by this Court.

For Petitioner : Mr.R.Mareeskumar

For Respondents : Mr.S.Karthick (for R1)
Mr.B.Thanga Aravindh (for R2 & R3)
Government Advocate (Crl.side)

ORDER

Heard both sides.

2.The petitioner seeks re-issuance/renewal of passport. He has submitted an application before the jurisdictional passport officer. However, the first respondent passed the impugned order stating that an adverse police report has been received against the petitioner as if a case in Crime No.76 of 2021 is pending against the petitioner.

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.8 of 2022 on the file of the learned Judicial Magistrate, Vadipatti.



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4. It is also stated by the learned counsel for the petitioner that he has filed an application for re-issuance/renewal of passport before the trial Court.

5. In such view of the matter, the trial Court is directed to process the application filed by the petitioner and disposed of the same, within a week from the date of receipt of a copy of this order. 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.



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6.This writ petition is allowed on these terms and the impugned order dated 10.09.2024, in Letter Ref.No.SCN/319448937/24 vide in File No.MD3076870939524, dated 22.08.2024, passed by the first respondent is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

25.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The Regional Passport Officer,
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- 2.The Inspector of Police,
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N.SATHISH KUMAR, J.

Rmk

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