



W.P.(MD) No.23225 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23225 of 2024

M.Habibulla

...Petitioner

-VS-

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

2.The State of Tamil Nadu,
The Inspector of Police,
Theppakulam Police Station,
Madurai.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent No.1 to restore the petitioner's passport application vide application No.MD1074031790522 by considering the petitioner's representation dated 01.08.2024.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.Rajesh Saravanan,
Standing Counsel for R1
Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side) for R2



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondent No.1 to restore the petitioner's passport application vide application No.MD1074031790522 by considering the petitioner's representation dated 01.08.2024.

2. It is the case of the Writ Petitioner that the petitioner has already obtained a passport vide E0816135 on 18.12.2001 and the same has been expired on 17.12.2011. He has applied for renewal application for his passport vide file No.MD1074031790522, dated 14.03.2022. However, the said application was closed on 26.06.2024, without hearing the petitioner. Hence, the petitioner has filed this Writ Petition.

3. The learned Standing Counsel appearing for the first respondent, on instructions, submit that his renewal application has been closed after giving proper notice to the petitioner and the petitioner has not submitted any explanation. That apart three criminal cases are pending in FIR stage and only on that ground, the petitioner's application has been closed. He further submitted that the petitioner has given a fresh application and the same will be considered on merits.



4. The learned Government Advocate (Crl. Side) appearing for the second respondent submitted that the criminal case in Crime No.223 of 2022 registered against the petitioner has since been charge sheeted and it has been taken on file in C.C.No.1676/2023 on the file of Judicial Magistrate No.II, Madurai.

5. The petitioner has obtained a passport earlier, and his renewal application has also been closed. Thereafter, he has filed a fresh application and according to the learned counsel except one case in C.C.No.1676 of 2023 on the file of the Judicial Magistrate No.II, Madurai, no other case is pending. In such view of the matter, 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 immediately. 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



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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.

6. 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 forthwith.

7. This Writ Petition is disposed of accordingly. No costs.

18.10.2024

Index : Yes / No

Internet : Yes / No

vsm



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To

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1. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
2. The Inspector of Police,
Eriodu Police Station,
Eriodu, Dindigul District.



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N.SATHISH KUMAR, J.

vsm

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