



W.P(MD)No.23338 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23338 of 2024

Gunasekaran

... Petitioner

Vs.

1.The Passport Authority,
Regional Passport Office,
Madurai Region, Bharathi Ula Veedhi,
Race Course Road, Madurai.

2.The State Rep. by
The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to renew the passport of the petitioner bearing no. Z6314542 based on the application submitted by the petitioner in file No. MD1076924713124 dated 10.09.2024.

For Petitioner : Mr.R.Murugan
For R1 : Mr.K.Sakararaman
For R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate



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ORDER

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Heard both sides.

2.The petitioner seeks issuance 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) appearing for the 2nd respondent submitted that the criminal case registered against the petitioner has been charge sheeted and it has been taken on file in S.T.C.No.40 of 2022 on the file of the learned Judicial Magistrate, Thirupathur.

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 abroad is a fundamental right. Therefore, the trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of



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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. In view of the above terms, this Writ Petition is disposed of. No costs.

01.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.



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N.SATHISH KUMAR, J

Yuva

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