



WEB COPY

W.P.(MD) No.24274 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.24274 of 2024

Harisudhan Vijayan

...Petitioner

-VS-

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai District-625 002.

2.The Inspector of Police,
Dindigul Town West Police Station,
Dindigul-624 001.
(In Crime No.136 of 2023 & 175 of 2024)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the 1st respondent to consider my representation dated 10.09.2024 and to expedite the process of issuing a passport to the petitioner in accordance with the Notification issued by Ministry of External Affairs Government of India in G.S.R.No.570(E) dated 25.08.1993 and in the light of Office memorandum dated 10.10.2019 issued by the Ministry of External Affairs, Government of India and thereby permit me to travel abroad.



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For Petitioner	: Ms.S.Modharshini
For R1	: Mr.M.Karthikeya Venkitachalapathy Central Government Standing Counsel
For R2	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)

ORDER

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) submitted that the criminal cases registered against the petitioner have since been charge sheeted and they have been taken on file in C.C.No.379 of 2023 on the file of the Additional Mahila Court, Dindigul and S.T.C.No.666 of 2024, Judicial Magistrate Court-I, Dindigul.

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. 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.

17.10.2024

Index : Yes / No
Internet : Yes / No
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To

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N.SATHISH KUMAR, J.

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