



W.P(MD)No.24236 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.24236 of 2024

Karthikeyan

... Petitioner

Vs.

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

2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

3.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

4.The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram 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 consider the application dated 09.09.2024 in File No.MD1076919557524 submitted by the petitioner for issuance of passport and to issue the passport to the petitioner if it is otherwise in order.



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For Petitioner : Mr.V.Selvakumar
For R1 : Mr.P.Sundaravadivel,
Central Government Standing Counsel
For R2 to R4 : 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) appearing for the respondents 2 to 4 submitted that three criminal cases have been registered against the petitioner. Out of which, one is charge sheeted and it has been taken on file in S.T.C.No.42 of 2024 on the file of the learned Judicial Magistrate, Paramakudi, second one is pending at FIR stage and third one is ended in acquittal.

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



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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 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.

16.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva



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N.SATHISH KUMAR, J

Yuva

To

- 1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
- 2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
- 3.The Inspector of Police,
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