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W.P.(MD) No.24676 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.24676 of 2024

Gnanasambandam

...Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar, 7th Cross Street,
Tirchirappalli-620 018.

2.The Inspector of Police,
Madukkur Police Station,
Thanjavur.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the first respondent to re-issue the passport (renewal Passport) to the petitioner in pursuant to the petitioner's passport application No.TR1076834882724, dated 04.09.2024.

For Petitioner	: Mr.M.Viji
For R1	: Mr.B.Narayana Ram Standing Counsel
For R2	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)



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ORDER

Heard both sides.

2.The petitioner seeks re-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 case registered against the petitioner has since been charge sheeted and it has been taken on file in S.C.No.324 of 2022 on the file of the II Additional District Court, Thanjavur.

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.



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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.

21.10.2024

Index : Yes / No
Internet : Yes / No
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To

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