



WEB COPY

W.P.(MD) No.24711 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.24711 of 2024

M.Serkhan

...Petitioner

-VS-

1.The Regional Passport Officer,
Office of the Regional Passport Officer,
Tiruchirappalli Municipal Water Tank Building,
W.B.Road, Tiruchirappalli- 620008.

2.The Inspector of Police,
Kottaiappattinam Police Station,
Pudhukottai District.

...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 renew and re-issue the passport to the petitioner based on the application vide file No.TR1076817983124 dated 05.09.2024 pending on the file of the first respondent within a reasonable time.

For Petitioner	: Mr.K.Khari Kharadas
For R1	: Mr.A.P.Rajasimman 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 C.C.No.154 of 2024 on the file of the Judicial Magistrate Court, Manamelkudi.

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.

21.10.2024

Index : Yes / No

Internet : Yes / No

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To

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