



W.P(MD)No.24244 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24244 of 2023

and

W.M.P.(MD)No.20417 of 2023

M.Paramasivam

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Investigation Office,
Irukkangudi Police Station,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order passed by the 1st Respondent vide his proceedings in Policy Ref.No.23-1006999781, File Ref No.MD3065449248723 dated 08.06.2023 and quash the same.



WEB COPY



W.P(MD)No.24244 of 2023

For Petitioner : Mr.D.Rajaboopathy

For Respondents : Mr.C.Nandagopal,
Central Govt. Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner challenges the impugned letter dated 23.06.2023 issued by the first respondent seeking certain clarifications. It is not necessary to interfere with the said notice.

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.112 of 2022 on the file of the learned Judicial Magistrate No.II, Sattur.

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



W.P(MD)No.24244 of 2023

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. Consequently, connected miscellaneous petition is closed.

13.03.2024

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



W.P(MD)No.24244 of 2023

G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.
- 2.The Inspector of Police,
Investigation Office,
Irukkangudi Police Station,
Virudhunagar District.

Copy to:-

The Judicial Magistrate No.II,
Sattur.

W.P(MD)No.24244 of 2023

13.03.2024