



W.P.(MD).No.25875 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25875 of 2024
and W.M.P(MD).No.21956 of 2024

Siluvai Vinoltan

... Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Street,
Madurai.

2.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter Ref No.SCN/318619789/24 dated 20.07.2024 passed by the first respondent and quash the same illegal and direct the first respondent herein to renew and reissue the passport No.M5924507 to the petitioner based on the petitioner's application vide File NO.MD2076672473524 within a reasonable time stipulate by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents : Mr.M.Vaikkam Karunanithi (for R2)
Government Advocate (crl.side)



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ORDER

Heard both sides.

2.The petitioner seeks re-issuance/renewal of passport. He has submitted an application before the jurisdictional passport officer. However, the first respondent passed the impugned order stating that an adverse police report has been received against the petitioner as if a case in Crime No.161 of 2012 is pending against the petitioner.

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.257 of 2023 on the file of the learned Judicial Magistrate, Valliyoor.

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



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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 allowed on these terms and the impugned letter Ref No.SCN/318619789/24 dated 20.07.2024, passed by the first respondent is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

To

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