



W.P(MD)No.25363 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.25363 of 2024

Arjun Baabu

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Claret Plaza, Melakkal Main Road,
Kochadai, Madurai-625 016.

2.The Inspector of Police,
Traffic Investigating Wing-North,
Trichirappalli City,
(Crime No.92/2021).

3.The Inspector of Police,
E-1, K.Pudur Police Station,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his automated proceedings in File No.MD1066899729924, dated 03.09.2024 and quash the same as illegal and consequently, to direct the 1st respondent to issue the petitioner a fresh passport by considering his passport application dated 03.09.2024.



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For Petitioner : Mr.M.Solaisamy
For R1 : Ms.B.Deepa,
Standing Counsel
For R2 & R3 : Mr.M.Vaikkam Karunanithi,
Government Advocate

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. However, the 1st respondent, vide letter dated 03.09.2024, issued a communication, stating that the petitioner's application is on hold. Therefore, challenging the same, the petitioner has filed this Writ Petition.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondents 2 and 3 submitted that the criminal case registered against the petitioner has been charge sheeted and it has been taken on file in C.C.No.568 of 2022 on the file of the learned Judicial Magistrate No.I, Trichy.

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.

24.10.2024

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

Yuva



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N.SATHISH KUMAR, J

Yuva

To

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