



W.P(MD)No.25229 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM :

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P(MD)No.25229 of 2024

Leela Rethina Bhai

... Petitioner

Vs.

1.The Regional Passport Officer,  
Bharathi Ula Veethi,  
Race Course Road,  
Madurai-625 002.

2.The Inspector of Police,  
Kanniyakumari Police Station,  
Kanniyakumari District.  
(In Crime No.300 / 2018)

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to temporarily issue passport to the petitioner for the period in between 01.12.2024 and 01.03.2024 by considering the petitioner's application File No. 24-1009179989, dated 01.08.2024.

For Petitioner : Ms.C.Geetha

For R1 : Mr.K.Kuttalanathan,  
Standing Counsel

For R2 : Mr.M.Vaikkam Karunanithi,  
Government Advocate



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## **ORDER**

Heard both sides.

2.The petitioner seeks issuance of passport. She has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of her 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) appearing for the 2<sup>nd</sup> respondent submitted that the criminal case registered against the petitioner has been charge sheeted and it has been taken on file in C.C.No.20 of 2023 on the file of the Additional Mahila Court, Nagercoil.

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. Therefore, the trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of



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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.

**23.10.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

*Yuva*

To

The Inspector of Police,  
Kanniyakumari Police Station,  
Kanniyakumari District.



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**N.SATHISH KUMAR, J**

*Yuva*

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