



W.P.(MD)No.28286 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28286 of 2024

Jobbi Varghese

... Petitioner

Vs.

1. The Superintendent of Police (Hqrs),
Karur District, Karur.
2. The Deputy Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance,
Department of Revenue,
No.6 (Old No.42), Besant Road,
Chokkikulam, Madurai – 625 002.
3. The Regional Passport Officer,
The Regional Passport Office,
Chochin, Passport Seva Kendra,
2nd Floor, Rowdha Towers,
Poothole Road,
Thrissur (Near Railway Station),
Kerala.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to issue passport to the petitioner based on the application made on 02.09.2024 in File No.CO5066897823924 within time frame as fixed by this Court.



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For Petitioner

: Mr.N.Shanmuga Selvam

For Respondents

: Mr.K.Govindarajan (R2)

Deputy Solicitor General of India

Central Government Standing Counsel

Mr.K.Gnanasekaran (R1)

Government Advocate (Crl. side)

Mr.S.Karthick (R3)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus directing the 3rd respondent to issue passport to the petitioner based on the application made on 02.09.2024 in File No.CO5066897823924 within time frame as fixed by this Court.”

2. The petitioner made an application, seeking issuance of passport by producing all necessary documents before the third respondent. However, the application was in the status of 'hold' on the ground that criminal cases are registered against the petitioner. Hence, the petitioner has filed this writ petition seeking for the aforesaid relief.



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3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondent police on instructions would submit that criminal cases registered against the petitioner have culminated in laying charge sheets in C.C.No.2 of 2019 and C.C.No.4 of 2018 both on the file of the Additional District Judge No.II for CBI cases, Madurai.

4. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the second respondent, the learned Government Advocate appearing for the respondent police and the learned counsel for the third respondent and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the respective Trial Courts 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 and the petitioner's career and avocation may be at stake, if he is denied the right to go abroad. Therefore, the learned Trial Court, unless there are extraordinary circumstances, shall not deny such relief. Of course, the period of validity of passport will have to be restricted. It is also open to the



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learned Trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence in India. If necessary, the applicant can be directed to file an application under Section 228 of Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.

6. Based on the order passed by the learned 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, within a period of three weeks after such application is filed.

7. This Writ Petition is allowed on these terms. There shall be no order as to costs.

05.12.2024

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Superintendent of Police (Hqrs),
Karur District, Karur.



WEB COPY



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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.28286 of 2024

Dated:
05.12.2024