



W.P(MD)No.27373 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.27373 of 2023

M.Al Ameen

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai, Tamil Nadu – 625 002.

2.The Assistant Passport Officer,
Passport Seva Kendra,
Tirunelveli City,
67 G, 3, South Bye Pass Road,
Xavier Colony, Tirunelveli,
Tamil Nadu – 627 005.

3.The Inspector of Police,
City Crime Branch,
Tirunelveli – 627 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent 1 and 2 to renew Petitioner's passport on the basis of application in File No.MD2072127019919 dated 16.05.2019 as expeditiously as possible, within a time frame as prescribed by this Court.



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For Petitioner : Mr.M.Masuttu Ali

For Respondents : Mr.Aruna Rajesh,
Senior Panel Counsel for R1 & R2.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R3.

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his 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) 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.140 of 2012 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

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. 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
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G.R.SWAMINATHAN, J.

ias

To:-

The Inspector of Police,
City Crime Branch,
Tirunelveli – 627 002.

Copy to:-

The Judicial Magistrate No.I,
Tirunelveli.

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