



W.P(MD)No.27434 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.27434 of 2023

and

W.M.P.(MD)No.23565 of 2023

Subin Selvan

... Petitioner

Vs.

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

2.The Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.

... 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 pertaining to the Impugned Letter Ref. No.SCN/316161869/23 dated 07.11.2023 issued by the 1st respondent and quash the same and consequently, direct the 1st respondent to issue passport to the petitioner within a time frame fixed by this Court.



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For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.B.Rajesh,
Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner challenges the impugned letter dated 07.11.2023 issued by the first respondent seeking certain clarifications. It is not necessary to interfere with the said notice.

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.385 of 2021 on the file of the learned Judicial Magistrate No.III, 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



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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
ias



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 2.The Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.

Copy to:-

The Judicial Magistrate No.III,
Nagercoil.

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