



W.P.(MD)No.29050 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.12.2024**

CORAM:

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

W.P.(MD)No.29050 of 2024

Sivasanthosh

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2. The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to issue the passport to the petitioner on his application in File No.MD1064048883922 of the 1st respondent in a time bound manner.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.M.Rajendran (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. side)



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ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus directing the 1st respondent to issue the passport to the petitioner on his application in File No.MD1064048883922 of the 1st respondent in a time bound manner.”

2. The petitioner made an application, seeking for issuance of passport by producing all necessary documents. The first respondent issued a communication dated 18.11.2023 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.515 of 2020 on the file of the 2nd respondent police. The first respondent further issued a communication dated 13.12.2024 stating that the application has been closed. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

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 case in Crime No.515 of 2020 has culminated in laying charge sheet in CC No.181 of 2021 before the learned Judicial Magistrate, Paramakudi, Ramanathapuram.



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4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the respondent police and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate, Paramakudi, 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 by the learned Trial Court. 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 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.



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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.

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

06.12.2024

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

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1. The Regional Passport Officer,
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Bharathi Ula Veethi,
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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.29050 of 2024

Dated:
06.12.2024