



W.P.(MD)No.29734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.29734 of 2024

Muthukrishnan

... Petitioner

Vs

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

2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3. The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District..

4. The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.

5. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to renew the petitioner's passport vide Application File No. MD2076626331124 dated 06.06.2024 by considering the petitioner's written representation, dated 25.11.2024 before the 1st respondent.

For Petitioner : Mr.V.Sasikumar
For Respondents : Mr.K.Sankararaman (R1)
Central Government Standing Counsel
Mr.K.Gnanasekaran (R2-R5)
Government Advocate (Crl. side)

ORDER

This Writ Petition has been filed seeking to direct the 1st respondent to renew the petitioner's passport vide Application File No. MD2076626331124 dated 06.06.2024 by considering the petitioner's written representation, dated 25.11.2024 before the 1st respondent.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsels on either side and perused the materials on record.

4.The petitioner is the holder of passport No.L2896161, which expired on 15.07.2023. On 06.06.2024, the petitioner made an application, seeking renewal of passport by producing all necessary documents. The first respondent issued a communication dated 25.06.2024 directing him to appear before the authority seeking explanation about the cases registered against him in Crime No.84 of 2024 on the file of 5th respondent, Cr.Nos.244 of 2020 and 92 of 2022 on the file of 4th respondent. Though he submitted his explanation, his passport was not renewed. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

5.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 in Crime No.92 of 2022 have culminated in laying charge sheet in C.C.No.424 of 2023 before the learned Judicial Magistrate, Valliyoor and Cr.No.244 of 2020 has culminated in filing of charge sheet in S.C.No.102 of 2020 before the II Additional District and Sessions Court, Tirunelveli. Insofar as the Cr.No.84 of 2024, investigation is pending.



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6.The petitioner is given liberty to move the respective learned Trial Courts, that is, the Judicial Magistrate Court, Valliyoor and II Additional District and Sessions Court, Tirunelveli 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 respective learned Trial Judges 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.

7.Based on the order passed by the learned Trial Courts, the petitioner shall move the jurisdictional Regional Passport Officer, who shall dispose of the petition mentioned application in terms of the said order.



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

10.12.2024

NCC : Yes / No
Index : Yes / No
PNM

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L.VICTORIA GOWRI, J.

PNM

Order made in
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10.12.2024