



W.P.(MD)No.29691 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.29691 of 2024

Ponraj Thirumalai Dorairaj

... Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondent to issue the passport in File No. MD1076855301724 within the time stipulated by this Court.

For Petitioner : Mr.A.S.Abul Kalaam Azad

For Respondent : Mr.S.Muthukumar

Central Government Standing Counsel



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ORDER

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This Writ Petition has been filed seeking to direct the Respondent to issue the passport in File No. MD1076855301724.

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.

3.Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the respondent and carefully perused the entire materials available on record.

4. The petitioner has applied for Passport in File No. MD1076855301724 on 27.08.2024 by producing all necessary documents. The respondent issued a communication dated 27.08.2024 seeking explanation about the cases registered against him in Spl.S.C.No.27, 28 and 10 of 2023 pending on the file of Court for MMDR Cases, Madurai. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



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5. When the matter is taken up for hearing, the learned Standing Counsel appearing for the respondent on instructions would submit that those cases were under the stage of trial.

6.The petitioner is given liberty to move the learned 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 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.

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.



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7. 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

TO:-

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai.



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L.VICTORIA GOWRI, J.

PNM

Order made in
W.P.(MD)No.29691 of 2024

10.12.2024