



W.P.(MD)No.605 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.605 of 2025

M.Umar Mukthar

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli - 620 018.

2.The Inspector of Police,
Pattukkottai Town Police Station,
Pattukkottai, Thanjavur District.

3.The Inspector of Police,
Madukkur Police Station, Madukkur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner, by processing his application in File No.TR1077078703524, based on the explanation / representation dated 21.12.2024, within a time limit stipulated by this Court.



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For Petitioner : Mr.B.Anandan

For R1 : Mr.K.Kuttalanathan
Central Government Standing Counsel

For R2 and R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

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 (Criminal Side) submitted that F.I.Rs. in Crime Nos.239 and 141 of 2017 were registered against the petitioner and the same have culminated in laying charge sheets in C.C.No.6 of 2020 and P.R.C.No.38 of 2023, respectively, before the Judicial Magistrate Court, Pattukottai. Apart from the said cases, a case in Crime No.177 of 2015 has also been registered against the petitioner, which is in the F.I.R. stage.



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4. In view of the above said submission, 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 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 the 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 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.



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6. This writ petition is disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No

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Index : Yes / No

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VIVEK KUMAR SINGH, J.

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