



W.P.(MD)No.4130 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4130 of 2025

Thamas Joseph Valjwood

... Petitioner

-VS-

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

2.The Superintendent Enquiry Officer,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002, Tamil Nadu.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to issue passport on the petitioner's Application File No.MD2077129437724, dated 19.11.2024, based on his reply dated 23.01.2025.



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For Petitioner : Mr.C.Susikumar
For R1 and R2 : Mr.K.Gokul
Central Government Standing Counsel
For 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) appearing for the third respondent submitted that a criminal case has been registered against the petitioner in Crime No.74 of 2021 for the offences under Sections 279 and 304(A) of I.P.C., on the file of the third respondent and the same has culminated in laying a charge sheet in C.C.No.300 of 2022 before the Judicial Magistrate Court, Nanguneri, Tirunelveli District.

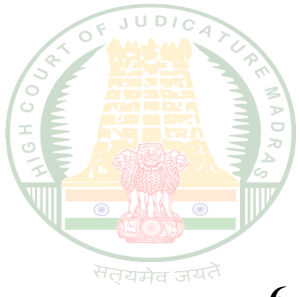


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4. In view of the above said submission, the petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. 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 228 of the Bharatiya Nagarik Suraksha Sanhita, 2023, 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

Index : Yes / No

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