



W.P.(MD)No.11916 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11916 of 2025

Jennath

... Petitioner

-VS-

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

2.The Inspector of Police,
Kalakkad 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 more particularly, the first respondent to re-issue Passport to the petitioner based on her application dated 27.06.2022, pending in File No.MD.206436160322 within a time frame.

For Petitioner

: Mr.D.Venakatesh

For R1

: Mr.R.Senthil Kumar

Central Government Standing Counsel

For R2

: Mr.K.Gnanasekaran

Government Advocate (Criminal side)



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ORDER

Heard both sides.

2. The petitioner seeks issuance of passport. She has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of her involvement in criminal cases, 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 second respondent submitted that two criminal cases have been registered against the petitioner in Crime No.452 of 2017 for the offences under Sections 147, 148, 448, 294(b), 506(ii) and 34 of I.P.C. and Section 3(1) of TNPPDL Act, 1992 and in Crime No.466 of 2017 for the offences under Sections 451, 294(b) and 506(ii) of I.P.C., on the file of the second respondent and the same have culminated in laying charge sheets in C.C.No.456 of 2020 and C.C.No.409 of 2019 before the Judicial Magistrate Court, Nanguneri, respectively.



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4. In view of the above said submissions, 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 she 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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VIVEK KUMAR SINGH, J.

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