



W.P.(MD)No.17932 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17932 of 2024

Thulasilal

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Regional Passport Officer,
Bharathi Ula Veethi,
Racecourse Road,
Madurai.
- 2.The Superintendent of Police,
The Superintendent of Police,
Theni,
Theni District.
- 3.The Inspector of Police,
Palanichettipattai Police Station,
Theni District.
(R3 is suo motu impleaded vide
Court order dated 31.07.2024
in W.P.(MD)No.17932 of 2024
by GRSJ)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in file No.MD1073343572121, dated 26.06.2024 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to reissue a passport to the petitioner.



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For Petitioner : Mr.F.Deepak,
For Mr.P.Senguttuarasan
For 1st Respondent : Mr.P.Subbiah,
Senior Central Government Standing Counsel
For Respondents 2 & 3 : Mr.K.Gnanasekaran
Government Advocate (Crl)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in file No.MD1073343572121, dated 26.06.2024 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to reissue a passport to the petitioner.”

2.The petitioner is the holder of passport No.Z6220289 from 10.08.2011. On 24.03.2021, the petitioner made an application, seeking re-issuance of passport by producing all necessary documents. The first respondent on verification found that the name of the petitioner's father in the original passport was stated as Dhayalan, while for re-issuance, the document submitted by the petitioner would reveal that his father's name is Dhayal Gopalji Patel.

3.The learned Central Government Standing Counsel appearing for the 1st respondent submitted that on identifying the difference in the petitioner's father's name, the earlier original passport is impounded by



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the first respondent on 05.04.2022. Even after the same, the petitioner's application for re-issuance was not considered. The impugned clarification dated 26.06.2024, came to be communicated by the respondents to the petitioner, requiring him to submit explanation for having involved in two criminal cases, as per the adverse police verification report submitted by the third respondent and also for the difference in father's name in his original passport and Aadhar card. Without submitting his explanation, the petitioner has filed this Writ Petition, challenging the said clarification.

4.The learned Government Advocate (Crl.) appearing for the respondents 2 and 3 on instructions would submit that two criminal cases came to be registered by Thenkarai Police Station in Crime No.603 of 2012 and Crime No.4 of 2013 as against the petitioner. However, Crime No.4 of 2013 culminated in laying a charge sheet in C.C.No.341 of 2023 on the file of the learned Judicial Magistrate, Theni.

5.Heard the learned counsel appearing for the petitioner, the learned Senior Central Government Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the respondents 2 and 3 and carefully perused the entire materials available on record.



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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. 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 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 Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.

7.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.

8.This Writ Petition is allowed on these terms and the impugned order in file No.MD1073343572121, dated 26.06.2024, passed by the first respondent is set aside.



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9. With the above directions, this Writ Petition stands allowed.

There shall be no order as to costs.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Regional Passport Officer,
Regional Passport Officer,
Bharathi Ula Veethi,
Racecourse Road,
Madurai.
2. The Superintendent of Police,
The Superintendent of Police,
Theni,
Theni District.
3. The Inspector of Police,
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L.VICTORIA GOWRI, J.

Mrn

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