



W.P.(MD).No.27562 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27562 of 2024
and WMP(MD) No.23374 of 2024

Ananthakumar

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Office,
Bharathi Ula Street,
Race Course Road,
Madurai - 625002.

2. The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned notice dated 04.10.2024 passed by the 1st respondent and quash the same consequently direct the respondents to renewal of the petitioner's passport No. MD2076151541924, File No. FCL / 319660765/ 24 within the time limit stipulated by this Court.



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For Petitioner : Mr. S.Mani

For Respondents : Mr.A.Srinivasan (R1)
Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)
Government Advocate (Crl.Side)

ORDER

The present writ petition has been filed challenging the impugned notice dated 04.10.2024 passed by the 1st respondent and to direct the respondents to renewal of the petitioner's passport No. MD2076151541924, File No. FCL / 319660765/24.

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 appearing for the first respondent and the learned Government Advocate (Crl.Side) appearing for the second respondent. Perused the materials on record.



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4.It is submitted by the learned counsel for the petitioner that the petitioner had applied for renewal of his passport in File No.MD2076151541924. On receipt of his application, the 1st respondent had sent a clarification requiring the explanation of the petitioner for they had received an adverse report from the second respondent, that a criminal case is pending against the petitioner in Cr.No.92 of 2012 on the file of second respondent. On 14.08.2024, the petitioner has submitted his explanation. However, his application was closed by the 1st respondent on 04.10.2024.

5.The learned Government Advocate (Crl.Side) appearing for the second respondent submitted that the said crime in Cr.No.92 of 2012, after completion of investigation has culminated in filing of a final report by the learned Judicial Magistrate, Ilayangudi District and the same is taken on file as CC No.161 of 2017.

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



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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 notice, dated 04.10.2024, passed by the first respondent is set aside. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.11.2024

NCC : Yes / No
Index : Yes / No



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Internet : Yes

PNM

To

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

2. The Inspector of Police,
Salaigramam Police Station,
Salaigramam.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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and WMP(MD) No.23374 of 2024**

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