



W.P.(MD)No.27701 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.27701 of 2024

P.Suresh Pasuvan

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Road,
Reserve Line,
Madurai.

2. The Inspector of Police,
Puliyarai Police Station,
Tenkasi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the impugned clarification letter reference No.SCN/319740327/24 dated 15.10.2024 and to quash the same as unwarranted and unlawful and further to direct the first respondent herein to re-issue the passport under file No.MD2076986376324 to the petitioner herein within the time frame fixed by this Court.

For Petitioner
For R-1

For R-2

: Mr.S.Selvakumar
: Mr.A.P.Rajasimman
Central Government Standing Counsel
: Mr.K.Gnanasekaran
Government Advocate (Crl. side)



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on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondent police on instructions would submit that criminal case in Crime No.145 of 2019 was culminated in laying charge sheet in C.C.No.254 of 2022 before the learned Judicial Magistrate, Senkottai.

4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the respondent police and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate Court, Senkottai, 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 and the petitioner's career and avocation may be at stake, if he is denied the right to go abroad. Therefore, the



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learned Trial Court, unless there are extraordinary circumstances, shall not deny such 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 in 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.

6. 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.

7. This Writ Petition is allowed on these terms. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

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L.VICTORIA GOWRI, J.

jbr

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