



W.P.(MD)No.27988 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.27988 of 2024

Sheik Fareeth Rahuman

... Petitioner

Vs.

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

2.The Inspector of Police,
Periyakulam Police Station,
Theni 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 records pertaining to the impugned show cause notice issued by the 1st respondent dated 22.10.2024 and quash the same and consequently directing the 1st respondent to issue the passport in Application No.MD9066928567124 dated 11.09.2024, based on the petitioner's application dated 11.09.2024.

For Petitioner	: Mr.A.R.Kannappan
For 1 st Respondent	: Mr.V.B.Sundhareshwar Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



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ORDER

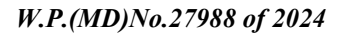
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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned show cause notice issued by the 1st respondent dated 22.10.2024 and quash the same and consequently directing the 1st respondent to issue the passport in Application No.MD9066928567124 dated 11.09.2024, based on the petitioner's application dated 11.09.2024.”

2.The petitioner has made an application to the first respondent, seeking issuance of passport and the same was taken on file in MD9066928567124. While so, on receipt of adverse police verification report, the 1st respondent had issued a notice on 22.10.2024, required an explanation from the petitioner along with all the documents. The petitioner sent a representation to the 1st respondent on 11.11.2024. However, the same was not considered. Hence, the Writ Petition came to be filed.

3.The learned Government Advocate (Crl.) appearing for the 3rd respondent on instructions would submit that Crime No.210 of 2023 culminated in laying a charge sheet in C.C.No.422 of 2023 on the file of the learned Judicial Magistrate, Periyakulam, Theni District.



5. The petitioner is given liberty to move the learned Judicial Magistrate Court, Periyakulam, 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.

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



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order.

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7.This Writ Petition is allowed on these terms and the impugned order dated 22.10.2024, is quashed. There shall be no order as to costs.

28.11.2024

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

To

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

2.The Inspector of Police,
Periyakulam Police Station,
Theni District.

Copy To

The Judicial Magistrate, Periyakulam, Theni District.



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L.VICTORIA GOWRI, J.

Mrn

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