



W.P.(MD).No.27867 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27867 of 2024

Balamurugan Thadiyappan

... Petitioner

Vs

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

2. The State Rep By
The Inspector of Police,
Salaigramam Police Station,
Salaigramam.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to consider explanation dated 27.07.2024 submitted by the petitioner and issue a renewed passport to the petitioner in the passport renewal application dated 15.03.2024 bearing File No. MD1076363606924 and ARN Number 24-1003528155 within the time frame fixed by this Court.



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For Petitioner : Mr. K.S.Abishek

For Respondents : Mr.V.Malaiyendran (R1)
Central Government Standing Counsel

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

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to renew his passport, by considering his explanation, dated 27.07.2024.

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.MD1076363606924. 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.186 of 2021 on the file of third respondent. On 27.07.2024, the petitioner has submitted his explanation.

5.The learned Government Advocate (Crl.Side) appearing for the second respondent submitted that the said crime in Cr.No.186 of 2021, 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 STC No.23 of 2022.

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 and the petitioner's career and avocation may be at stake, if



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he is denied the right to go abroad. Therefore, the 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.

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. There shall be no order as to costs.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

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L.VICTORIA GOWRI, J.

PNM

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