



W.P.(MD)No.28570 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28570 of 2024

Noordeen Syed Mohamed

... Petitioner

Vs.

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

2. The State of Tamilnadu,
Rep. By, the Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.185 of 2023)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent by issued show cause notice for recalled petitioner's passport in Letter reference No. SCN/319910649/24 dated 05.11.2024, to quash the same as illegal, unconstitutional and consequently direct the 1st respondent herein to not to recall petitioner's passport in Passport No. C2441767 by consider petitioner's representation dated 23.11.2024 in accordance with law, within a time stipulated by this Court.



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For Petitioner

: Mr.D.Balamurgapandi

For Respondents

: Mr.R.Ganeshkumar (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. side)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent as show cause notice for recalling the petitioner's passport in Letter reference No. SCN/ 319910649/24 dated 05.11.2024, to quash the same as illegal, unconstitutional and consequently direct the 1st respondent herein to not to recall petitioner's passport in Passport No. C2441767 by consider petitioner's representation dated 23.11.2024 in accordance with law, within a time stipulated by this Court..”

2. The petitioner is the holder of passport No. C2441767 from 21.08.2024. The first respondent passed the impugned order dated 05.11.2024 to recall the petitioner's passport for the case registered against him in Crime No.692 of 2016 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



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3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that a criminal case came to be registered by Bazaar Police Station, Ramanathapuram in Crime No.692 of 2016 as against the petitioner. However, the case culminated in laying a charge sheet in S.C. No. 05 of 2020 before the learned District Sessions Court, Ramanathapuram.

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

5. 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 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



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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 representation in terms of the said order.

7. This Writ Petition is allowed on these terms and the impugned order in Letter reference No. SCN/ 319910649/24 dated 05.11.2024 passed by the first respondent is set aside. There shall be no order as to costs.

02.12.2024

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.
2. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.28570 of 2024

Dated:
02.12.2024