



W.P.(MD)No.28531 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.28531 of 2024

Muralidharan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

2.The Inspector of Police,
Kadamalaikundu 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 order passed by the first respondent in his letter No.SCN/319687289/24, dated 08.10.2024, quash the same and consequently direct the 1st respondent to issue the passport to the petitioner by graciously considering his application in MD1076985036324 dated 30.09.2024.

For Petitioner	: Mr.P.Senguttuarasan
For 1 st Respondent	: Mr.A.P.Raja Simman Central Government Standing Counsel
For 3 rd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)

ORDER

The prayer in the Writ Petition reads as follows:-

"To issue a Writ of Certiorarified Mandamus, calling for



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the records pertaining to the order passed by the first respondent in his letter No.SCN/319687289/24, dated 08.10.2024, quash the same and consequently direct the 1st respondent to issue the passport to the petitioner by graciously considering his application in MD1076985036324 dated 30.09.2024.”

2.The petitioner has made an application to the first respondent, seeking issuance of passport and the same was taken on file in MD1076985036324. While so, on receipt of adverse police verification report, the 1st respondent had issued proceedings on 08.10.2024, requiring an explanation from the petitioner. Challenging the same, 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.1002 of 2020 culminated in laying a charge sheet in C.C.No.55 of 2021 on the file of the learned Judicial Magistrate, Andipatty, Theni District.

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.



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



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7.This Writ Petition is allowed on these terms. 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,
Regional Passport Office,
Madurai.
- 2.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

Copy To

The Judicial Magistrate, Andipatty, Theni District.



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L.VICTORIA GOWRI, J.

Mrn

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