



W.P.(MD)No.28543 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.28543 of 2024

C.Velu

... Petitioner

Vs.

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

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.41 of 2024)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to issue a renew the petitioner Passport No.M6060004 and renewal application in File No.MD1077002161724, dated 07.10.2024, by considering the petitioner representation dated 09.11.2024.

For Petitioner	: Mr.J.Bharathiveerakumar
For 1 st Respondent	: Mr.N.Vidyamaheswaran Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



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ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to issue a renew the petitioner Passport No.M6060004 and renewal application in File No.MD1077002161724, dated 07.10.2024, by considering the petitioner representation dated 09.11.2024.”

2.The petitioner is the holder of Passport No.M6060004 and it is about to expire on 15.02.2025. Hence, the petitioner has made an application to the first respondent, seeking re-issuance of passport and the same was taken on file in MD1077002161724. While so, on receipt of adverse police verification report, the 1st respondent had sent a letter on 22.10.2024, required an explanation from the petitioner. On 09.11.2024, he sent a representation to the respondents. However, the same was not considered. Hence, the Writ Petition came to be filed.

3.The learned Government Advocate (CrI.) appearing for the 2nd respondent on instructions would submit that Crime No.41 of 2024 culminated in laying a charge sheet on the file of the learned Judicial Magistrate, Thiruvadanai. However, the same has not been taken on file of the said Court.

4.Heard the learned counsel appearing for the petitioner, the



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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 Judicial Magistrate, Thiruvadanai, 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.

29.11.2024

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

To

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

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

Copy To

The Judicial Magistrate, Thiruvadani District.



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L.VICTORIA GOWRI, J.

Mrn

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