



W.P.(MD)No.28422 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.11.2024**

CORAM:

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

W.P.(MD)No.28422 of 2024

A.Nagarajan

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India Ministry of External Affairs,
Regional Passport Office Madurai,
Bharathi Ula Veethi, Race Course Road,
Madurai.

2.The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai,
Madurai, Madurai District.

3.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
(Crime No. 230/2015)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus direction to the 1st and 2nd respondents to hand over the petitioner's Passport No. 4629548 to him by considering petitioner's representation dated 07.10.2024 within a time stipulated by this Court.



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For Petitioner : Ms.A.Banumathy
For Respondents : Mr.V.Malaiyendran (R1 & R2)
Central Government Standing Counsel
Mr.K.Gnanasekaran (R3)
Government Advocate

ORDER

Mr.V.Malaiyendran , learned Central Government Standing Counsel takes notice for the first and second respondents. Mr.K.Gnanasekaran, learned Government Advocate takes notice for the third respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the the 1st and 2nd respondents to hand over the petitioner's Passport No. 4629548 to him by considering petitioner's representation dated 07.10.2024 within a time stipulated by this Court.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner is having his Passport No. 4629548. The first and second respondents issued a letter dated 27.11.2018 directing him to appear



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before the authority seeking explanation about the cases registered against him in Crime No.230 of 2015 on the file of the 3rd respondent police. Hence, the petitioner filed this writ petition.

5. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the third respondent submitted that FIR in Crime No.230 of 2015 was registered under Sections 465, 467, 468 & 471 of IPC and the same has culminated in laying a charge sheet in C.C.No.856 of 2022 on the file of Judicial Magistrate, Karaikudi, Sivagangai District.

6. The petitioner is given liberty to move the learned Judicial Magistrate, Karaikudi, 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 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



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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, within a period of three weeks after such application is filed.

8. This Writ Petition is allowed on these terms. There shall be no order as to costs.

27.11.2024

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

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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.28422 of 2024

Dated
27.11.2024