



W.P.(MD)No.28784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.12.2024**

CORAM:

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

W.P.(MD)No.28784 of 2024

Mohamed Yasin

... Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.
2. The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram District.
3. State of Tamil Nadu,
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... 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 of the impugned order in Letter Ref No. SCN /316087739/23 dated 31.10.2023 issued by the respondent no. 1 and quash the same as bad in law and further direct the respondent no. 1 to renew the petitioner's passport in Passport No. K8971318



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vide Application No. MDA075858182723 dated 09.10.2023 by considering the petitioner's representation dated 26.11.2024.

For Petitioner : Mr.SMA.Jinnah
For Respondents : Mr.G.Rajaraman (R1)
Central Government Standing Counsel
Mr.K.Gnanasekaran (R2 & R3)
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 of the impugned order in Letter Ref No. SCN /316087739/23 dated 31.10.2023 issued by the respondent no. 1 and quash the same as bad in law and further direct the respondent no. 1 to renew the petitioner's passport in Passport No. K8971318 vide Application No. MDA075858182723 dated 09.10.2023 by considering the petitioner's representation dated 26.11.2024.”

2. The petitioner is the holder of passport No.K8971318 from 18.12.2012. On 09.10.2023, the petitioner made an application, seeking renewal of passport by producing all necessary documents. The first respondent passed the impugned order dated 31.10.2023 directing him to appear before the authority seeking explanation about the cases registered against him in Crime



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No.467 of 2016 on the file of the 3rd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondents 2 and 3 on instructions would submit that a criminal case is registered by Devipattinam Police Station in Crime No.467 of 2016 as against the petitioner. Thereafter, Crime No.467 of 2016 has culminated in laying a charge sheet in E-filing CC LTN2022000 2007C202400001, dated 01.01.2024 before the learned Judicial Magistrate No.I, 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 respondents 2 and 3 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



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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 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.

7. This Writ Petition is allowed on these terms and the impugned order in Letter Ref No. SCN /316087739/23 dated 31.10.2023 passed by the first respondent is set aside. There shall be no order as to costs.

04.12.2024

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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Order made in
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Dated:
04.12.2024