



W.P.(MD)No.29283 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.12.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.29283 of 2024

Murugan Kalidhas

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Represented by the Regional Passport Office,
Bharathi Ula Road,
Race Course Salai,
Madurai,
Madurai District.

2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

... 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 consider the petitioner's renewal application dated 25.11.2024, under reference 24-1014026843 for the extension of petitioner's passport period as from 31.03.2026 to another five years forthwith in relation to petitioner's passport bearing No.27756508 to another prescribed period as per the Rules forthwith.



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For Petitioner : Mr.S.Palanivelayutham
For 1st Respondent : Mr.R.Senthilkumar
Central Government Standing Counsel
For 2nd 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 consider the petitioner's renewal application dated 25.11.2024, under reference 24-1014026843 for the extension of petitioner's passport period as from 31.03.2026 to another five years forthwith in relation to petitioner's passport bearing No.27756508 to another prescribed period as per the Rules forthwith.”

2.The petitioner is the holder of Passport No.27756508 and it is about to expire on 31.03.2026. Hence, the petitioner has made an application in Ref. No.24-1014026843, seeking renewal of passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a communication, required an explanation from the petitioner. On 25.11.2024, the petitioner also appeared before the first respondent on person and gave his explanation. Thereafter, he has also filed two applications in Crl.M.P.Nos.375 and 11099 of 2024 before the learned Judicial Magistrate, Valliyoor for issuance of passport. The learned Judicial Magistrate, also directed the first respondent to issue necessary permission for going abroad for his employment and on that



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basis, the first respondent also issued passport immediately to the petitioner. As the company is insisting the petitioner to renew the passport for another three years or atleast for five years, the Writ Petition is filed, to direct the first respondent for the extension of petitioner's passport period from 31.03.2026 to another five years forthwith.

3.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that Crime No.361 of 2023 was registered by the 2nd respondent and the same was culminated in laying a charge sheet in C.C.No.257 of 2023 before the learned Judicial Magistrate, Valliyoor, Tirunelveli 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.

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



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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.

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

05.12.2024

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



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To

- 1.The Judicial Magistrate, Valliyoor, Tirunelveli District.
- 2.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli District.
- 3.The Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.



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L.VICTORIA GOWRI, J.

Mrn

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