



W.P.(MD)No.29692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.29692 of 2024

K.G.Jeyakumar

... Petitioner

Vs

The Regional Passport Officer,
Claret Plaza, Melakkal Main Road,
Kochadai, Madurai 625 016.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to renew the passport No. G1269253 by application No. MD1077042883124 ARN 24-1012473891.

For Petitioner : Mr.M.Rajaraman

For Respondent : Mr.V.B.Sundareshwar

Central Government Standing Counsel



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ORDER

This Writ Petition has been filed seeking to direct the respondent to renew the passport No. G1269253 by application No. MD1077042883124 ARN 24-1012473891.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsels on either side and perused the materials on record.

4. The petitioner is the holder of passport No.G1269253, which expired on 06.04.2017. On 19.10.2024, the petitioner made an application, seeking renewal of passport by producing all necessary documents. The first respondent issued a communication by directing him to appear before the authority on 21.10.2024. Though he attended the interview, the respondent refused to grant renewal of the passport, citing pendency of criminal case against him before the Chief Judicial Magistrate Court, Tuticorin under Factories Act. Hence, the petitioner filed this writ petition seeking for the



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aforesaid relief.

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5. When the matter is taken up for hearing, the learned Standing Counsel appearing for the respondent police on instructions would submit that a criminal case in STC No.1602 of 2022 on the file of Chief Judicial Magistrate Court, Tuticorin is pending against the petitioner.

6. 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 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.



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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.

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

10.12.2024

NCC : Yes / No
Index : Yes / No
PNM

TO:-

The Regional Passport Officer,
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L.VICTORIA GOWRI, J.

PNM

Order made in
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