



W.P.(MD)No.29280 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.29280 of 2024

Rajadurai

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli District.

2.The Inspector of Police,
Uddanapalli Police Station,
Krishnagiri 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 issue the passport to the petitioner.

For Petitioner	: Mr.P.Edin Brough
For 1 st Respondent	: Mr.Narayan Ram Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)

ORDER

The prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the 1st respondent to issue the passport to the petitioner."



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2.The petitioner has made an application in File No.TR2066899005124, seeking new passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a communication on 08.10.2024, required an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

3.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that Crime No.225 of 2022 was registered by the 2nd respondent under Sections 143 and 341 of IPC and the same was culminated in laying a charge sheet in C.C.No.74 of 2023 before the learned Judicial Magistrate, Hosur, Krishnagiri 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, Hosur, 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



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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.

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, Hosur, Krishnagiri District.
- 2.The Regional Passport Officer,
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Tiruchirappalli New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli District.
- 3.The Inspector of Police,
Uddanapalli Police Station,
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L.VICTORIA GOWRI, J.

Mrn

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