



W.P.(MD).No.29848 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.29848 of 2024

and

W.M.P.(MD)No.25155 of 2024

Neela Rajan

... Petitioner

Vs.

1.The Passport Authority,
Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

2.The State Represented by
The Inspector of Police,
Viralimalai Police Station,
Puthukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned clarification letter in SCN/319970973/24 dated 12.11.2024 issued by the first respondent in File No.MD2077064175524 and quash the same as illegal and consequently direct the first respondent to renew/re-issue the petitioner's passport bearing No.M5815008 by considering the



W.P.(MD).No.29848 of 2024

petitioner's re-issue/renew application No.24-1012653009 dated 28.10.2024 within a time frame as fixed by this Court.

For Petitioner : Mr.R.Murugan
For R-1 : Mr.V.Srinivasan,
Central Government Standing counsel
For R-2 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed to call for the records of the impugned clarification letter in SCN/319970973/24 dated 12.11.2024 issued by the first respondent in File No.MD2077064175524 and quash the same as illegal and consequently direct the first respondent to renew/re-issue the petitioner's passport bearing No.M5815008 by considering the petitioner's re-issue/renew application No.24-1012653009 dated 28.10.2024.



W.P.(MD).No.29848 of 2024

WEB COPY

3.The petitioner has applied for re-issuance of a passport on 28.10.2024 before the 1st respondent. The 1st respondent required the petitioner to provide explanation with respect to the crime in Crime No.20 of 2023 on the file of the 2nd respondent, registered against the petitioner u/s. 279 and 304 IPC. The same has culminated in filing a final report in C.C.No.30 of 2023 before the Judicial Magistrate, Illuppur. The petitioner appeared before the 1st respondent and has given his explanation. However, the petitioner's application for re-issuance of a passport was not acted upon so far. Hence, the present writ petition came to be filed.

4.Heard the learned counsels on either sides and carefully perused the materials available on record.

5.The petitioner is given liberty to move the trial Court, that is, the Judicial Magistrate, Illuppur, 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 petitioner's career and avocation may be at



W.P.(MD).No.29848 of 2024

stake if he is denied the right to go abroad. Therefore, the 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 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 BNSS, 2023 by executing a special vakalat.

6. Based on the order passed by the 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. In view of the same, the impugned clarification letter in SCN/319970973/24 dated 12.11.2024 is hereby quashed. Accordingly, the writ petition is allowed on these terms. There shall be no order as to the costs. Consequently, connected miscellaneous petition is closed.

11.12.2024

NCC : Yes / No
Index : Yes / No



W.P.(MD).No.29848 of 2024

Internet : Yes
Sml

To

- 1.The Passport Authority,
Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.
- 2.The State Represented by
The Inspector of Police,
Viralimalai Police Station,
Puthukottai District.



WEB COPY



W.P.(MD).No.29848 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.29848 of 2024

11.12.2024