



W.P.(MD)No.29889 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.12.2024**

CORAM:

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

W.P.(MD)No.29889 of 2024

Muthu Ibrahim

... Petitioner

Vs.

1. The Regional Passport Officer,
O/o. Regional Passport Office,
Bharathi Uzha Veedi,
Race Course Road,
Madurai District.

2. The Inspector of Police,
Othakadai Police Station,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent No.1 to renewal petitioner's passport in application file bearing No. MD1076991146324 dated 22.10.2024 by considering petitioner's representation dated 02.12.2024.

For Petitioner

: Mr.SMA.Jinnah

For Respondents

: Mr.T.Mahendran (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. side)



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ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondent No.1 to renewal petitioner's passport in application file bearing No. MD1076991146324 dated 22.10.2024 by considering petitioner's representation dated 02.12.2024.”

2. The petitioner made an application, seeking for renewal of his passport by producing all necessary documents. The first respondent issued a communication dated 22.10.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.452 of 2021 on the file of the 2nd 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 respondent police on instructions would submit that the respondent police has filed a charge sheet with regard to the case in Crime No.452 of 2021 before the learned Judicial Magistrate, Melur, Madurai District.

4. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the learned



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Government Advocate appearing for the respondent police and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate, Melur, 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 by the learned Trial Court. 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.

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.



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

11.12.2024

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Regional Passport Officer,
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Bharathi Uzha Veedi,
Race Course Road,
Madurai District.
2. The Inspector of Police,
Othakadai Police Station,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.29889 of 2024

Dated:
11.12.2024