



W.P.(MD).No.30759 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30759 of 2024

Akash

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli - 620 018.

2.The Inspector of Police,
Aavudaiyarkovil Police Station,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent no.1 to issue the passport to the petitioner in Application in File No. TR2066681090324 dated 25.06.2024 within the time stipulated by this Court.

For Petitioner : Mr.S.Gurumoorthy

For R-1 : Mr.K.Govindaraj,
Deputy Solicitor General of India

For R-2 : Mr.K.Gnanasekaran,
Government Advocate, (Criminal side)



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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 direct the respondent no.1 to issue the passport to the petitioner in Application in File No. TR2066681090324 dated 25.06.2024.

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

4.The petitioner applied for a passport before the 1st respondent on 25.06.2024. The 1st respondent required the petitioner to explain citing the crime No.134 of 2023 which was registered against the petitioner. The petitioner explained that he never indulged in any act as alleged in the said FIR and it was mistakenly registered. However, the petitioner's application was not considered so far. Hence, the present writ petition came to be filed.

5.When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the second respondent submitted



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that FIR in Crime No.134 of 2023 was registered by Avudaiyarkoil Police Station, Pudukkottai District and the same has culminated in laying a charge sheet in C.C.No.165 of 2023 on the file of Judicial Magistrate, Aranthangi.

6.The petitioner is given liberty to move the 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. The petitioner's career and avocation may be at 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.



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7. 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.

8. The writ petition is allowed on these terms. There shall be no order as to the costs.

18.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli - 620 018.
2. The Inspector of Police,
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L.VICTORIA GOWRI, J.

Sml

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