



W.P.(MD)No.148 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2025**

CORAM:

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

W.P.(MD)No.148 of 2025

Govi Chezhaan

... Petitioner

Vs.

1. The Regional Passport Officer,
New Municipal Complex,
Thillai Nagar Cross,
Thiruchirappalli.

2. The Inspector of Police,
Pandhanallur Police Station,
Thanjavur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to issue passport to the petitioner in Application Ref.No.TR1076921070924, dated 09.09.2024.

For Petitioner : Mr.G.Karnan

For R-1 : Mr.V.Malaiyendran
Central Government Standing Counsel

For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. 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. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, to direct the 1st respondent to issue passport to the petitioner in Application Ref.No.TR1076921070924, dated 09.09.2024.”

3. The petitioner has made an application in Ref No.TR1076921070924, seeking for issuance of passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication on 08.10.2024, required an explanation from the petitioner. Thereafter, the petitioner had appeared in person before the first respondent and gave explanation with regard to the criminal case. However, the first respondent neither issued the passport nor sent any communication to the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

4. The learned Government Advocate (Crl.) appearing for the second



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respondent on instructions would submit that FIR was registered by the second respondent under Sections 153, 143,188 and 505(1) of IPC and the same culminated in laying a charge sheet in C.C.No.316 of 2024 before the Judicial Magistrate Court No.I, Thanjavur.

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

6. The petitioner is given liberty to move the Judicial Magistrate Court No.I, Thanjavur, 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.

06.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

1. The Regional Passport Officer,
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Thillai Nagar Cross,
Thiruchirappalli.
2. The Inspector of Police,
Pandhanallur Police Station,
Thanjavur.



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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.148 of 2025

Dated
06.01.2025