



W.P.(MD).No.250 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.250 of 2025

Shaji Karunakaran

... Petitioner

Vs.

The Passport Regional Officer,
Passport Office W4VR 768,
Bharat Ula Road,
K.K.Nagar, Madurai-625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 16.09.2024 within a specific period of time.

For Petitioner : Mr.Ka.Raamakrishnan

For Respondent : Mr.T.Mahendran,
Central Government Standing
Counsel

ORDER

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



W.P.(MD).No.250 of 2025

WEB COPY

2.This writ petition is filed seeking to direct the respondent to consider the petitioner's representation dated 16.09.2024.

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

4.The petitioner was issued with a passport bearing No.Z 3249092 <OIND 8006020M 2507064. Later, on verification, the respondent found that a criminal case in Crime No.48/2010 on the file of the Kaliyakkavilai Police station was pending against the petitioner in JM-1, Kuzhithurai, PRC No.02/14, and ordered to surrender the petitioner's passport. Hence, the petitioner made a representation to the respondent dated 16.09.2024 seeking to reissue the passport. Since the same was not considered, the present writ petition came to be filed.

5.The petitioner is given liberty to move the trial Court / Judicial Magistrate No.1, Kuzhithurai, 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



W.P.(MD).No.250 of 2025

WEB COPY

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.

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

24.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml
To
The Passport Regional Officer,
Passport Office W4VR 768,
Bharat Ula Road,
K.K.Nagar, Madurai-625 002.



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W.P.(MD).No.250 of 2025

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.250 of 2025

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