



W.P.(MD)No.1279 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.01.2025**

CORAM:

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

W.P.(MD)No.1279 of 2025

Suresh Subbiah

... Petitioner

Vs.

1. The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Inspector of Police,
CCB Police Station,
Tirunelveli District.
(Crime No. 63/2012)

... 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 re-issue passport to the petitioner by considering the petitioner's application dated 05.11.2025 bearing File No. MD2077090376524 within a time limit as may be stipulated by this Court.



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For Petitioner : Mr.K.Jeyamohan
For R-1 : Mr.K.Maharajan
Central Government Standing Counsel
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl.)

ORDER

Mr.K.Maharajan, learned Central Government Standing Counsel takes notice for the first respondent and Mr.K.Gnanasekaran, learned Government Advocate (Criminal side) takes notice for the second respondent. 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 re-issue passport to the petitioner by considering the petitioner's application dated 05.11.2025 bearing File No. MD2077090376524 within a time limit as may be stipulated by this Court.”

3. The petitioner has made an application in File No.MD2077090376524, seeking new passport. While so, on receipt of adverse police verification report,



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the first respondent had issued a communication on 05.12.2024, required an explanation from 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 respondent on instructions would submit that FIR in Crime No.63 of 2012 was registered by the second respondent under Sections 120(B), 341, 404, 420 and 465 of IPC and the same has culminated in laying a charge sheet in C.C.No.119 of 2017 before the learned Judicial Magistrate Court No.I, Tirunelveli.

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, Tirunelveli, 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



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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.

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.

20.01.2025

NCC : Yes / No

Index : Yes / No

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TO:-

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L.VICTORIA GOWRI, J.

jbr

Order made in
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Dated
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