

W.P.(MD)No.405 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.405 of 2025

Dhinesh Rodi

... Petitioner

Vs.

1.The Regional Passport Office,
Office of the Regional Passport Office,
Bharathi Ulla Veedhi,
Race Course Road, Madurai 625 002.

2.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

4.The Inspector of Police,
Koppampatti Police Station,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to issue the renewal passport considering his passport Application in File No. 2077179856124 dated 10.12.2024 on the file of the first respondent.

For Petitioner : Mr.V.Selvakumar

For 1st Respondent : Ms.B.Deepa

Central Government Standing Counsel

For Respondents 2 to 4 : Mr.K.Gnanasekaran

Government Advocate (Crl)



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ORDER

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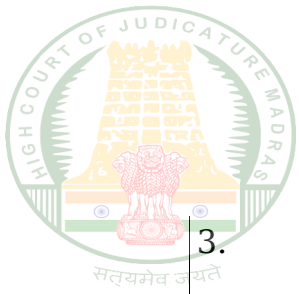
The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to issue the renewal passport considering his passport Application in File No.2077179856124 dated 10.12.2024 on the file of the first respondent. ”

2.The petitioner is the holder of passport bearing Passport No.L4133056 and it expired on 20.08.2023. Hence, the petitioner has made an application in File No.2077179856124, for re-issuance of passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a communication dated 18.12.2024, required an explanation from the petitioner. The petitioner appeared before the first respondent and submitted a written explanation. However, no action was taken till now. Hence, this Writ Petition is filed.

3.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit the following cases are pending as against the petitioner:-

Sl.No.	Crime No.	FIR stage/Charge sheet laid
1.	322 of 2023	FIR Stage
2.	102 of 2023	culminated in laying charge sheet in S.T.C.No.786 of 2023 before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District



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3.	844 of 2021	culminated in laying charge sheet in S.T.C.No.1005 of 2022 before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District
4.	17 of 2024	culminated in laying charge sheet before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District but the same was not taken on file before the said Court.

4.Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the respondents 2 to 4 and carefully perused the entire materials available on record.

5.The petitioner is given liberty to move the learned Judicial Magistrate Court No.II, Kovilpatti, Thoothukudi District, 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 learned 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 learned 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



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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.

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

07.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

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L.VICTORIA GOWRI, J.

Mrn

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