



W.P.(MD).No.1347 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1347 of 2025

M.Al Ameen

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai - 625002.

2.The Inspector of Police,
City Crime Branch,
Tirunelveli - 627002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to renew the petitioner's passport vide file No.MD1076980005924 dated 27.09.2024.

For Petitioner : Mr.K.Rajeshwaran

For R-1 : Mr.P.Sundaravadivel,
Central Government Standing Counsel

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



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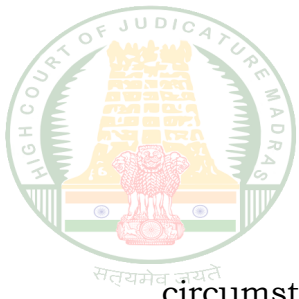
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ORDER

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

2.This writ petition has been filed to direct the 1st respondent to renew the petitioner's passport vide file No.MD1076980005924 dated 27.09.2024.

3.The petitioner applied for renewal of a passport vide File No.MD2072127019919, which showed the pendency of criminal proceeding vide FIR No.33/2010 u/s.420, 120(b), 506 (ii) IPC in C.C.No.140/2012 pending before the Judicial Magistrate No.1, Tirunelveli. Thereafter, the petitioner filed a writ petition before this Court in W.P.(MD)No.27373 of 2023, and this Court directed the respondent to renew the petitioner's passport on conditions after taking an undertaking affidavit. On 21.11.2024, the petitioner received a letter from the 1st respondent stating that the charges pending against the petitioner in one more FIR vide Cr.No.9 of 2021 and the same was charge sheeted in CC No.1051 of 2023 before the learned Judicial Magistrate No.1, Tirunelveli. In these



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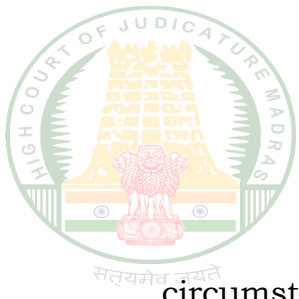
circumstances, the petitioner's application was not acted upon.

Hence, the present writ petition came to be filed.

4.The learned counsel for the petitioner submitted that the aforesaid case is purely a civil dispute and the petitioner is only a Power of Attorney in the aforesaid case and the petitioner was not aware of the pendency of FIR in Cr.No.9 of 2021 at the time of filing of an earlier writ petition.

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 trial Court / the learned Judicial Magistrate No.1, 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



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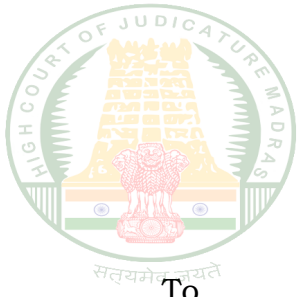
circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application under Section 228 of BNSS, 2023 by executing a special vakalat.

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.

21.01.2025

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



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L.VICTORIA GOWRI, J.

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