



W.P.(MD).No.446 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.446 of 2025**

V.Arumugasamy

... Petitioner

Vs.

- 1.The Passport Officer ,  
Regional Passport Office,  
Bharathi Ula Road,  
Reserve Line,  
Madurai.
- 2.The Inspector of Police,  
Sivakasi East Police Station,  
Virudhunagar District.
- 3.The Inspector of Police,  
Elayirampennai Police Station,  
Virudhunagar District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to reissue the petitioner's Passport bearing No. Z7885975 with minimum validity of 3 years by considering the order passed in Crl. M.P.No. 23 of 2024 on the file of the Sub-ordinate Judge / Assistant Sessions Judge, Sivakasi.

For Petitioner : Mr.S.Poornachandran



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For R-1 : Mr.R.Ganesh Kumar,  
Central Government Standing Counsel

For R-2 & R-3 : Mr.K.Gnanasekaran,  
Government Advocate,  
(Criminal side)

**ORDER**

This writ petition is filed to direct the 1<sup>st</sup> respondent to re-issue the petitioner's Passport bearing No. Z7885975 with minimum validity of 3 years by considering the order passed in CrI. M.P.No. 23 of 2024 on the file of the Sub-ordinate Judge / Assistant Sessions Judge, Sivakasi.

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

3.The petitioner has applied for re-issuance of a passport before the 1<sup>st</sup> respondent dated 24.01.2024. The petitioner is facing prosecution in four cases. One case is pending at the FIR stage itself. Two cases are pending before the learned Judicial Magistrate, Sattur and one case is pending trial in S.C.No.113 of 2018 on the file of the Sub Court, Sivakasi. Hence, the petitioner approached this Court by



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filing W.P.(MD)No.7082 of 2024 and this Court by an order dated 27.03.2024 directed the petitioner to move the Sub Court, Sivakasi for the relief sought for by the petitioner. Consequently, the petitioner approached the trial Court / Assistant Sessions Judge, Sivakasi, by filing CrI.M.P.No.23 of 2024 and the trial Court permitted the petitioner to go abroad with the following conditions:

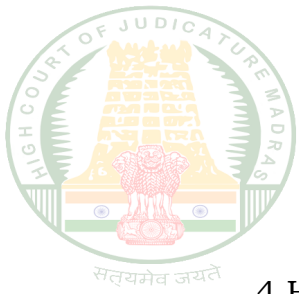
*“After renewal of passport, the petitioner / accused No. 1 shall submit copy of passport with visa with entries before this Court,*

*The petitioner / Accused No.1 shall submit the copy of flight tickets departure and arrival and also, shall be filed an affidavit with the date of departure and arrival from India.*

*The petitioner / Accused No.1 shall execute a bond for sum of Rs.1 lakh with two sureties like sum as satisfaction of this Court.*

*The petitioner / Accused No.1 shall submit the copy of document in respect of travel, stay particulars,*

*On arrival of India, the petitioner / Accused No.1 shall appear before this Court on subsequent hearings to proceed the criminal cases.”*



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4.However, the 1<sup>st</sup> respondent has issued a passport bearing No.Z7885975, with one year validity from 18.07.2024 to 17.07.2025. Aggrieved over the same, the present writ petition came to be filed seeking to direct the 1<sup>st</sup> respondent to re-issue the petitioner's Passport bearing No. Z7885975 with minimum validity of 3 years by considering the order passed in CrI. M.P.No. 23 of 2024 on the file of the Sub-ordinate Judge / Assistant Sessions Judge, Sivakasi.

5.The petitioner is given liberty to move the trial Court / the learned Sub-ordinate Judge / Assistant Sessions Judge, Sivakasi, 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



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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 disposed of 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

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**L.VICTORIA GOWRI, J.**

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