

W.P.(MD)No.966 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.966 of 2025

Premkumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Civil Supplies CID,
Sivagangai.

... 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 a passport to the petitioner on the basis of the petitioner's application dated 02.12.2024, pending in File No.MD5077170451524 before the first respondent by accepting his explanation.

For Petitioner	: Mr.T.Leninkumar
For 1 st Respondent	: Mr.S.Karthick Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



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ORDER

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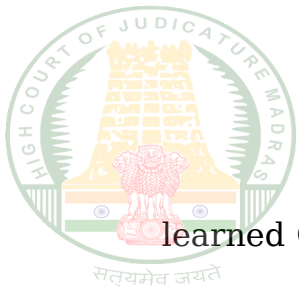
The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to issue a passport to the petitioner on the basis of the petitioner's application dated 02.12.2024, pending in File No.MD5077170451524 before the first respondent by accepting his explanation.”

2.The petitioner is the holder of Passport No.K4020052 and it expired on 02.05.2022. The petitioner has made an application in File No.MD5077170451524, for re-issuance of passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a notice, required an explanation from the petitioner. On 23.12.2024, the petitioner had given his explanation before the first respondent. 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 that Crime Nos.73 of 2023 and 234 of 2024 culminated in laying charge sheet before the learned Judicial Magistrate No.I, Sivangangai District, but the same was not taken on file before the said Court.

4.Heard the learned counsel appearing for the petitioner, the

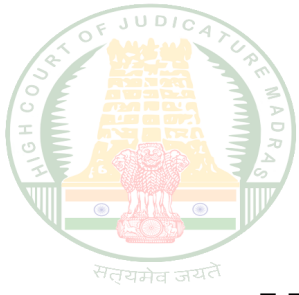


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learned Central Government Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the 2nd respondent and carefully perused the entire materials available on record.

5.The petitioner is given liberty to move the learned Judicial Magistrate Court No.I, Sivagangai 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 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.



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

10.01.2025

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

To

- 1.The Judicial Magistrate No.I, Sivagangai District.
- 2.The Regional Passport Office,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 3.The Inspector of Police,
Civil Supplies CID,
Sivagangai.



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L.VICTORIA GOWRI, J.

Mrn

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