



W.P.(MD)No.670 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

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

W.P.(MD)No.670 of 2025

Perumal

... Petitioner

Vs.

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

2. The Inspector of Police,
Munneerpallam Police Station,
Munneerpallam,
Tirunelveli 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 re-issue Passport to the petitioner based on his application in File Number - MD2074483970722 on the file of the 1st respondent within a stipulated time by this Court.

For Petitioner

: Mr.R.Karunanidhi

For Respondents

: Mr.Sundaravadivel (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. side)



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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 re-issue Passport to the petitioner based on his application in File Number - MD2074483970722 on the file of the 1st respondent within a stipulated time by this Court.”

2. The petitioner made an application, seeking for re-issuance of passport by producing all necessary documents. The first respondent issued a communication dated 22.11.2023 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.322 of 2021 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondent police on instructions would submit that criminal cases in Crime No.322 of 2021 has culminated in laying charge sheet in CC No.1320 of 2022 before the learned Judicial Magistrate No.V, Tirunelveli.



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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 respondent police and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate No.V, 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 and 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 such 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 in 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.



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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.

09.01.2025

NCC : Yes / No
Index : Yes / No
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TO:-

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Madurai - 625 002.
2. The Inspector of Police,
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Munneerpallam,
Tirunelveli District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.670 of 2025

Dated:
09.01.2025