



W.P.(MD)No.833 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.01.2025**

CORAM:

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

W.P.(MD)No.833 of 2025

Valathappan Subramnayan

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Madurai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to reopen the file and re-issue the passport in file No.MD1075767324723 to the petitioner within the time stipulated by this Court.

For Petitioner

: Mr.RM.Arun Swaminathan

For Respondent

: Mr.M.Rajendran

Central Government Standing Counsel



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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 respondent to reopen the file and re-issue the passport in file No.MD1075767324723 to the petitioner within the time stipulated by this Court.”

2. The petitioner is the holder of passport No.L4144992. On 11.09.2023 the petitioner made an application, seeking renewal of passport by producing all necessary documents. The first respondent issued a communication dated 26.03.2023 directing him to appear before the authority seeking explanation about the case pending in CC No.741 of 2022 on the file of the Judicial Magistrate, Karaikudi. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

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

4. The petitioner is given liberty to move the learned Judicial Magistrate, Karaikudi, for the relief now sought for. As and when such miscellaneous



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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 vocation 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.

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.

10.01.2025

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Regional Passport Officer,
Regional Passport Office,
Madurai.

Order made in
W.P.(MD)No.833 of 2025

Dated:
10.01.2025