

W.P.(MD)No.1043 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.1043 of 2025

Sivarajan

... Petitioner

Vs.

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

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Inspector of Police,
Eathamozhy Police Station,
Nagercoil,
Kanyakumari 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 renew the petitioner's passport in Passport No.M3175449 by considering his Application No.MD2076957309124 dated 20.09.2024 and the petitioner's representation dated 17.12.2024.

For Petitioner	: Mr.S.Krishnan
For 1 st Respondent	: Mr.R.Senthilkumar
	Central Government Standing Counsel
For Respondents 2 & 3	: Mr.K.Gnanasekaran
	Government Advocate (Crl)



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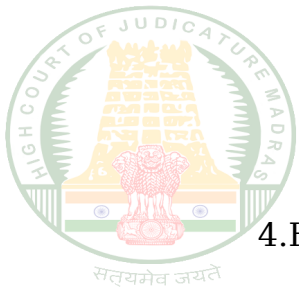
ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to renew the petitioner's passport in Passport No.M3175449 by considering his Application No.MD2076957309124 dated 20.09.2024 and the petitioner's representation dated 17.12.2024.”

2.The petitioner is the holder of Passport No.M3175449 and it expired on 23.10.2024. The petitioner has made an application in File No.MD2076957309124, for re-issuance of passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a notice dated 30.09.2024, required an explanation from the petitioner. The petitioner had appeared before the first respondent and given his representation on 17.12.2024. 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 No.278 of 2020 culminated in laying charge sheet in C.C.No.85 of 2022 before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District.



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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 respondents 2 & 3 and carefully perused the entire materials available on record.

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



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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.III, Nagercoil, Kanyakumari District.
- 2.The Regional Passport Office,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 4.The Inspector of Police,
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L.VICTORIA GOWRI, J.

Mrn

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