



W.P.(MD).No.1132 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1132 of 2025

P.Bhuvaneshwaran

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2.The Inspector of Police,
Kottampatti P.S,
Madurai District.
Cr. No. (79/2021)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue Passport to the Petitioner on the basis of his passport application taken on file as File No. MD1066977608324 within the time stipulated by this Court.

For Petitioner : Mr.C.R.Kasi Viswanathan

For R-1 : Mr.K.Gokul,
Central Government Standing Counsel



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For R-2

: Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition has been filed to direct the 1st respondent to issue Passport to the Petitioner on the basis of his passport application taken on file as File No. MD1066977608324.

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

4.The petitioner has applied for issuance of a fresh passport on 27.09.2024 vide an online application bearing application reference No.24-1011845671. The petitioner received a notice dated 03.10.2024 from the 1st respondent/Regional Passport Officer - Madurai, requiring the petitioner to explain and produce relevant documents with respect to the adverse police verification report, on an FIR in Crime No.79 of 2021 dated 16.03.2021 registered on the



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file of the 2nd respondent police. The petitioner duly appeared before the 1st respondent office and furnished the petitioner's explanation stating that for the said offences, the case is pending trial before the 1st Additional District and Sessions Court, Madurai, as case number in S.C.No.525/2024, in the said case, the petitioner has been implicated as 23rd accused. However, the petitioner's application for passport was not considered so far. Hence, the present writ petition came to be filed.

5.The petitioner is given liberty to move the trial Court / 1st Additional District and Sessions Court, Madurai, 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



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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 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 allowed on these terms. There shall be no order as to the costs.

20.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

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