



W.P.(MD)No.1127 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.01.2025**

CORAM:

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

W.P.(MD)No.1127 of 2025

Karthikeyan

... Petitioner

Vs.

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

2. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents more particularly the 1st respondent to re-issue passport to the petitioner based on the petitioner application dated 06.06.2024 pending in File No. MD1076623843524 within a time frame.



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For Petitioner : Mr. D.Venkatesh
For R-1 : Mr.G.Moovendran
Central Government Standing Counsel
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

This writ petition has been filed to direct the first respondent to re-issue a new passport to the petitioner based on his application for issuance of Indian Passport dated 06.06.2024 in File No.MD1076623843524.

2. The petitioner has made an application in File No.MD1076623843524, seeking re-issuance of a passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication on 18.06.2024, required an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

3. The learned Government Advocate (Crl.) appearing for the second respondent on instructions would submit that FIR in Crime No.139 of 2023 was registered by the second respondent under Sections 273 and 328 of IPC r/w.



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24(1) of the TOBACCO Act and the same has culminated in laying a charge sheet in E-filing No.LTN20220001992C202500015, before the Judicial Magistrate Court, Thiruvadanai.

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

5. The petitioner is given liberty to move the Judicial Magistrate Court, Thiruvadanai, 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 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.



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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.

23.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

1. The Regional Passport Officer,
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2. The Inspector of Police,
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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.1127 of 2025

Dated
23.01.2025