



W.P.(MD)No.1498 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.01.2025**

CORAM:

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

W.P.(MD)No.1498 of 2025

Nagarajan

... Petitioner

Vs.

1. The Regional Passport Officer,
Office of Regional Passport Officer,
Claret Plaza, Melakkarai Main Road,
Kochadai,
Madurai 625 016.

2. The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to renew and re-issue the passport to the petitioner in his application vide File No. MD1077224298324 dated 18.12.2024 pending on the file of 1st respondent within a reasonable time.



W.P.(MD)No.1498 of 2025

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For Petitioner : Mr. H.Mahamed Hussain
For R-1 : Mr.S.Muthukumar
Central Government Panel Counsel
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

Mr.S.Muthukumar, learned Central Government Panel Counsel takes notice for first respondent and Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) takes notice for the second respondent. 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 re-issue passport to the petitioner based on his application for issuance of Indian Passport dated 18.12.2024 in File No. MD1077224298324 on the file of the 1st respondent.

3.The petitioner has made an application in File No. MD1077224298324, seeking re-issuance of a passport. While so, on receipt of adverse police



W.P.(MD)No.1498 of 2025

verification report, the first respondent had issued a communication to the petitioner, required an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the second respondent on instructions would submit that FIR in Crime No.53 of 2023 was registered by the second respondent under Sections 147, 148, 341, 294(b), 323 , 324 and 506(ii) of IPC and the same has culminated in laying a charge sheet in C.C.No.117 of 2023 before the Judicial Magistrate Court, Thiruppathur.

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

6. The petitioner is given liberty to move the Judicial Magistrate Court, Thiruppathur, 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



W.P.(MD)No.1498 of 2025

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.

7. 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.

8. The writ petition is allowed on these terms. There shall be no order as to the costs.

30.01.2025

NCC : Yes / No
Index : Yes / No
jbr



W.P.(MD)No.1498 of 2025

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W.P.(MD)No.1498 of 2025

L.VICTORIA GOWRI, J.

jbr

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Dated
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