



W.P.(MD)No.1679 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.01.2025

CORAM:

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

W.P.(MD)No.1679 of 2025

A.Nabil Khan

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Trichirappalli.

2. The Inspector of Police,
Mimisal Police Station,
Pudukottai 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 respondent to consider the petitioner's Passport online application in File No. TR1066762730524 dated 17.10.2024 and issue the same within stipulated time frame as fixed by this Court.

For Petitioner	: Mr.M.Iniyavan
For R-1	: Mr.A.Srinivasan Central Government Standing Counsel
For R-2	: Mr.K.Gnanasekaran Government Advocate (Crl. side)



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ORDER

Mr.A.Srinivasan, learned Central Government Standing 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 issue a new passport to the petitioner based on his application for issuance of Indian Passport dated 17.10.2024 in File No.TR1066762730524 on the file of the 1st respondent.

3. The petitioner has made an application in File No. TR1066762730524, seeking new passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication on 17.10.2024, required an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

4. The learned Government Advocate (Crl.) appearing for the second respondent on instructions would submit that FIR in Crime No.71 of 2023 was



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registered by the second respondent under Sections 153A, 505(1)(b) and 505(2) of IPC and the same has culminated in laying a charge sheet in C.C.No.208 of 2024 before the learned Juvenile Justice Board, Pudukkottai.

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 Juvenile Justice Board Court, Pudukkottai, 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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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.

22.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

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L.VICTORIA GOWRI, J.

jbr

Order made in
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