



W.P.(MD).No.1570 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1570 of 2025

Joan Sibu Alex

... Petitioner

Vs.

1.The Second Secretary (Consular),
High Commission of India,
29, Triq-Galanton Vassallo,
Santa Venera, Svr 1901, Malta

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

3.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
(Cr No. 173/2017)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to re-issue the passport in Application Reference No. 24-2004705056 dated 18.10.2024 with a validity of at least 3 years within the time stipulated by this Court.

For Petitioner : Mr.A.S.Abul Kalam Azad



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For R-1 & R-2 : Mr.C.Nandagopal,
Central Government Standing Counsel

For R-2 to R-3 : 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 is filed to direct the respondent to re-issue the passport in Application Reference No. 24-2004705056 dated 18.10.2024 with a validity of at least 3 years.

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

4.A criminal case in C.C.No.240 of 2019 is pending before the learned Judicial Magistrate Court, Eraniel, as against the petitioner. When the petitioner applied for a passport earlier, the petitioner was served with a show-cause notice dated 15.03.2023 by the 1st respondent requiring the petitioner to explain with respect to the



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pending criminal case in C.C.No.240 of 2019. Hence, the petitioner filed a writ petition in W.P.(MD)No.13180 of 2023 and this Court on 21.07.2023 directed to issue a Short Validity Passport. The petitioner applied for re-issuance of a passport on 18.10.2024 and it is kept pending for processing. At this juncture, the petitioner's company insisted the petitioner to get a passport with a validity of at least three years. Hence, the petitioner applied for a passport having 10 years of validity. Since the same was not acted upon, the present writ petition is filed to re-issue a passport with a validity of at least 3 years.

5.The petitioner is given liberty to move the Trial Court / learned Judicial Magistrate Court, Eraniel, 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



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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.

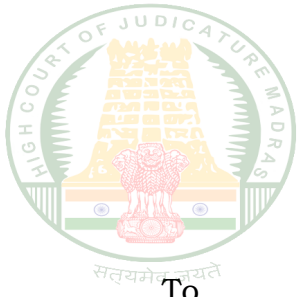
6. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-mentioned application in terms of the said order.

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

21.01.2025

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

Note: Issue order copy on 22.01.2025.



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L.VICTORIA GOWRI, J.

Sml

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