



W.P.(MD)No.1918 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.01.2025**

CORAM:

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

W.P.(MD)No.1918 of 2025

and

W.M.P.(MD)No.1374 of 2025

Dinesh

... Petitioner

Vs.

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

2. The Inspector of Police,
Thirumayam Police Station,
Pudhukottai District.
(In Crime No.4 of 2023)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref. No.OBJ/320102021/24 dated 26.11.2024 passed by the Respondent No.1 and quash the same as illegal and consequently, to direct the Respondent No.1 to reissue the passport to the petitioner forthwith based on his application in File No.TR2067107118524 dated 11.11.2024.



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For Petitioner : Mr.S.Manojkumar
For R-1 : Mr.B.Narayan Ram
Central Government Standing Counsel
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl.)

ORDER

Mr.B.Narayanan, 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 re-issue a new passport to the petitioner based on his application for issuance of Indian Passport dated 11.11.2024 in File No.TR2067107118524 on the file of the 1st respondent.

3. The petitioner has made an application in File No.TR2067107118524, seeking re-issuance of a passport. While so, on receipt of adverse police



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verification report, the first respondent had issued a impugned notice on 26.11.2024, 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.4 of 2023 was registered by the second respondent under Sections 120B, 147, 148, 294(b) and 307 of IPC and the same has culminated in laying a charge sheet in C.C. No. 201 of 2024 before the Judicial Magistrate Court, Thirumayam.

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, Thirumayam, 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



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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.

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. Consequently, connected miscellaneous petition is closed.

24.01.2025

NCC : Yes / No
Index : Yes / No
jbr



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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.1918 of 2025

Dated
24.01.2025