



W.P.(MD)No.1928 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.1928 of 2025

Prabu

... Petitioner

Vs.

1. The Regional Passport Officer,
Office of the Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai,
Sivagangai District.

3. The Inspector of Police,
Devakottai Town Police Station,
Devakottai,
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 respondents to issue passport to petitioner in passport application File No.MD5077128829924 dated 19.11.2024 submitted by the petitioner and issue passport to the petitioner in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr. S.Ramesh Kumar
For R-1 : M/s.S.Deepa
Standing Counsel
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

M/s.S.Deepa, learned 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 19.11.2024 in File No.MD5077128829924.

3. The petitioner has made an application in File No.MD5077128829924, seeking issuance of a passport. While so, on receipt of adverse police verification report, the first respondent had issued a impugned show cause notice on 04.12.2024, required an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.



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4. The learned Government Advocate (Crl.) appearing for the second respondent on instructions would submit that FIR in Crime No.166 of 2022 was registered by the second respondent under Sections 143, 294(b), 353 and 506(ii) of IPC and the same has culminated in laying a charge sheet in C.C. No. 249 of 2022 before the Judicial Magistrate Court, Devakottai, Sivagangai District.

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, Devakottai, Sivagangai District, 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



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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.

24.01.2025

NCC : Yes / No
Index : Yes / No
jbr



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L.VICTORIA GOWRI, J.

jbr

Order made in
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Dated
24.01.2025