



W.P.(MD)No.2327 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.2327 of 2025

P.Antony Selvan

: Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

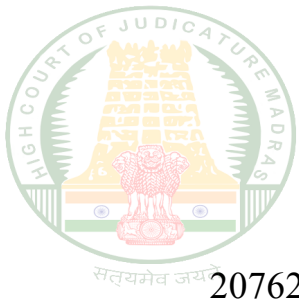
2. The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

3. The Inspector of Police,
Paxhavor Police Station,
Tirunelveli District.

4. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to process the application of the petitioner vide application number MD



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2076269248924 and to re-issue the passport to the petitioner by considering his representation dated 26.09.2024 within a time fixed by this Honourable Court.

For Petitioner : Mr. A.Mohamedhaneef

For Respondents : Mr.T.Mahendran

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to issue the petitioner's passport vide Passport Application file No. MD2076269248924.

2.The petitioner has made an application in File No. MD2076269248924, for issuance of passport. However, upon receiving an adverse police verification report, the first respondent refused to issue the passport. Hence, this Writ Petition has been filed by the petitioner.

3. The learned Government Advocate (Crl.) appearing for the second respondent, on instructions, submitted that the petitioner is a



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habitual offender and that a total of ten criminal cases are pending against the petitioner before the respondent police, of which eight cases have already resulted in the filing of charge sheets before the learned Judicial Magistrate, Radhapuram, Tirunelveli District. The learned Government Advocate has also filed a counter-affidavit to that effect.

4. Heard the learned counsels on either side and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate, Radhapuram, Tirunelveli 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 learned 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 learned Trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's



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absence from India. If necessary, the applicant can be directed to file an application under Section 228 of Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.

6. Based on the order passed by the learned 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. This Writ Petition is allowed on the above terms. There shall be no order as to costs.

24.01.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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5. The Judicial Magistrate, Radhapuram, Tirunelveli District.



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VIVEK KUMAR SINGH, J.

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