



W.P.(MD)No.2469 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2469 of 2025

Ramar

... Petitioner

Vs.

1.The Regional Passport Office,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records pertaining to the impugned order passed by the 1st respondent vide his proceedings in policy Ref No.SCN/320272369/24, File Ref No.MD1077196951124, dated 16.12.2024 and quash the same.

For Petitioner	: Mr.D.Rajaboopathy
For 1 st Respondent	: Mr.R.Senthilkumar Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



W.P.(MD)No.2469 of 2025

ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order passed by the 1st respondent vide his proceedings in policy Ref No.SCN/320272369/24, File Ref No.MD1077196951124, dated 16.12.2024 and quash the same.”

2.The petitioner is a holder of passport bearing No.L2901093 and it expired on 24.07.2023. Hence, the petitioner has made an application in File No.MD1077196951124, for re-issuance of passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a communication dated 16.12.2024, required an explanation from the petitioner. The petitioner appeared before the first respondent and submitted a written explanation. Thereafter, the petitioner has also sent his explanation through registered post on 09.01.2025. However, no action was taken till now. Hence, this Writ Petition is filed.

3.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that Crime No.294 of 2022 culminated in laying charge sheet before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, but the same was not taken on file before the said Court.



W.P.(MD)No.2469 of 2025

WEB COPY

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, Rajapalayam, Virudhunagar 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 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.



W.P.(MD)No.2469 of 2025

WEB COPY

7.This Writ Petition is allowed on these terms. There shall be no order as to costs.

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The Judicial Magistrate, Rajapalayam, Virudhunagar District.

2.1.The Regional Passport Office,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

3.The Inspector of Police,
Rajapalayam North Police Station,
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W.P.(MD)No.2469 of 2025

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.2469 of 2025

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