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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2025**

CORAM:

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

W.P.(MD)No.2641 of 2025

Mohammed Illiyas Mohamed Jakariya ... Petitioner

Vs.

1. The Union of India,
Represented by the Principal Secretary,
Ministry of External Affairs,
Union of India, E Block,
Central Secretariat,
New Delhi.

2. The Regional Passport Office,
Tiruchirapalli New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli - 620018,
Tamil Nadu.

3. The Inspector of Police,
Vedaranyam Police Station,
Vedaraniyam - 641810,
Nagapattinam District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to renew and re-issue the petitioner's passport application Number TR1077189656324 dated 09.12.2024 within a time frame stipulated by this court.

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For Petitioner : Mr.N.Sricharan Rengarajan
Senior Counsel
for Mr.Mohamed Ashick.H

For R-1 : Mr.K.Govindarajan
Deputy Solicitor General

For R-3 : Mr.K.Gnanasekaran
Government Advocate

ORDER

Mr.K.Govindarajan, learned Deputy Solicitor General, takes notice for the 1st respondent and Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) takes notice for the 3rd respondents. 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 2nd respondent to re-issue a passport to the petitioner based on his application for issuance of Indian Passport dated 09.12.2024 in File No.TR1077189656324.

3. The petitioner has made an application in File No.TR1077189656324, seeking re-issuance of a passport. While so, on receipt of adverse police verification report, the second respondent had issued a letter on 19.12.2024, required an explanation from the petitioner. Hence, the Writ Petition is filed, to

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direct the first respondent to issue the passport to the petitioner.

4. The learned Government Advocate (Crl.) appearing for the third respondent on instructions would submit that FIR in Crime No.276 of 2017 was registered by the third respondent under Sections 147, 148, 294(b), 352, 452, 506(2) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, and the same has culminated in laying a charge sheet in C.C. Nos.305 of 2022 and 43 of 2023 before the learned District Munsif cum Judicial Magistrate Court, Vedaranyam, Nagapattinam 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 trial Court that is the District Munsif cum Judicial Magistrate Court, Vedaranyam, Nagapattinam 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

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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.

31.01.2025

NCC : Yes / No
Index : Yes / No
jbr

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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.2641 of 2025

Dated
31.01.2025