

W.P.(MD).No.2444 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2444 of 2025

K.S.Jailaniee

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Tirunelveli, Tirunelveli District.
(Crime No. 62/2009)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue a fresh passport considering his passport Application in File No. MDUA01170509 on the file of the 1st respondent by considering the petitioner's representation dated 24.12.2024 within the time stipulated by this Court.

For Petitioner : Mr.V.Selvakumar

For R-1 : Mr.S.Karthick,
Central Government Standing Counsel



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For R-2

: Mr.K.Gnanasekaran,
Government Advocate, (Criminal side)

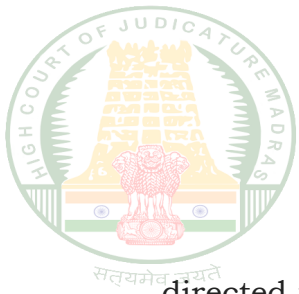
ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed to direct the 1st respondent to issue a fresh passport considering his passport Application in File No. MDUA01170509 on the file of the 1st respondent by considering the petitioner's representation dated 24.12.2024.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The petitioner was issued with a passport vide No.H6210234 on 13.07.2009. While obtaining the passport, the petitioner's agent produced some forged documents. In this regard, the 1st respondent lodged a complaint with the 2nd respondent police who in turn registered a criminal case against the petitioner in crime No.62 of 2009 and the investigation is still pending. While being so, the 1st respondent vide communication,



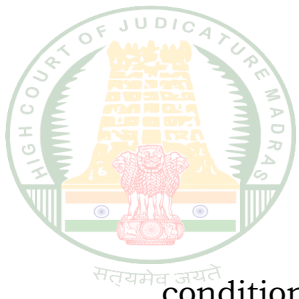
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directed the petitioner to hand over his original passport. The petitioner sent his passport through registered post. Hence, the petitioner made an application before the 1st respondent to issue a fresh passport on 24.12.2024. Since the same was not considered, the present writ petition came to be filed.

5. When the matter was taken up for hearing, the learned Government Advocate, Mr.K.Gnanasekaran submitted that a crime in Crime No.62 of 2009 has culminated in laying a charge sheet in C.C.No.390 of 2019 on the file of the Judicial Magistrate -i, Tirunelveli.

6. The petitioner is given liberty to move the trial Court / Judicial Magistrate -i, Tirunelveli, 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



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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.

28.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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L.VICTORIA GOWRI, J.

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