



W.P.(MD)No.3318 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3318 of 2025

Akil Madhan

: Petitioner

Vs.

1. The Regional Passport Officer,
Passport Office,
Race Course Road,
Madurai.

2. The Superintendent of Police,
Kanyakumari District, Nagercoil.

3. The Inspector of Police,
Boothapandi 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 issue the petitioner's passport vide Passport Application file No. MD2066049450923 dated within a time frame on the basis of his representation dated 10.12.2024.

For Petitioner : Mr.S.Muniyandi



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For Respondents : Mr.V.B.Sundareshwar

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. MD2066049450923.

2.The petitioner has made an application in File No. MD2066049450923, 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 Crime No.6 of 2020 culminated in laying charge sheet before the learned Judicial Magistrate, Boothapandi, Kanyakumari District in S.T.C.No.94 of 2024.



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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, Boothapandi, Kanyakumari 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.



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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.

21.02.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. The Regional Passport Officer,
Passport Office,
Race Course Road,
Madurai.

2. The Superintendent of Police,
Kanyakumari District, Nagercoil.

3. The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

4. The learned Magistrate, Boothapandi.



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VIVEK KUMAR SINGH, J.

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