



W.P.(MD).No.3412 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3412 of 2025

Alagarsamy

... Petitioner

-VS-

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross Street,
Tiruchirappalli District.
2. The State of Tamilnadu,
Rep By The Inspector of Police,
Annavaasal Police Station,
Pudukkottai District.
3. The State of Tamilnadu,
Rep By The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to renew the petitioner's passport bearing no H0560828 based on the petitioner's application No.TR2073951378122 dated 14.02.2022.



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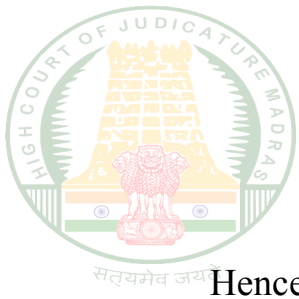
For Petitioner : Mr.S.Sathyachidambaram
For Respondents : Mr.P.Sundaavadivel (R1)
Central Govt. Standing Counsel
Mr.K.Gnanasekaran (R2 & R3)
Government Advocate

ORDER

Mr.P.Sundaavadivel, learned Central Government Panel Counsel takes notice for the first respondent and Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) takes notice for the second and third respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to direct the 1st respondent to renew the petitioner's passport bearing No H0560828 based on the petitioner's application No.TR2073951378122 dated 14.02.2022.

3. The petitioner has made an application in File No. TR2073951378122, seeking renewal of his passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication to the petitioner, requiring an explanation from the petitioner.



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Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the second and third respondents, on instructions would submit that as of now, three cases are pending against the petitioner and FIRs in Crime No.113/16, 51/19 and 98/21 were registered by the second respondent and the same have culminated in laying charge sheets, one of which is taken on file in C.C.No.10 of 2023 before the Judicial Magistrate Court, Ponnamaravathy, Pudukottai District and in other two cases, charge sheets have been filed, however not taken on file.

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 Judicial Magistrate Court, Ponnamaravathy, Pudukottai 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



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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 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.

05.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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