



W.P.(MD)No.3647 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3647 of 2025

Anandan

: Petitioner

Vs.

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

2. The State of Tamil Nadu,
Rep. by, The Sub-Inspector of Police,
Kallal Police Station,
Sivagangai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No. 1 to renew the Passport bearing No.K4030344 in connection with the renewal of the petitioner's Application in File No. MD01C5020033122 dated 28.03.2022, within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Christopher



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For Respondents : Mr.M.Rajendran

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 renew the passport of the petitioner based on his application No.MD01C5020033122, dated 28.03.2022.

2..The petitioner has made an application in File No. MD01C5020033122, seeking re-issuance of a passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication to the petitioner, required an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

3. The learned Government Advocate (Crl. side) appearing for the second respondent on instructions would submit that FIRs in



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Crime Nos.312 and 326 of 2020 were registered by the second respondent under Sections 143, 427, 447 of IPC and Sections 147, 186, 441, 353, 447 and 353 of IPC, respectively and the same has culminated in laying a charge sheet in S.T.C.No1111 of 2024 before the Judicial Magistrate Court, Karaikudi.

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 Judicial Magistrate Court, Karaikudi, 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 the said 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,



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the applicant can be directed to file an application under Section 228 of BNSS, 2023 by executing a special vakalat.

6. 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.

7. The writ petition is allowed on the above terms. There shall be no order as to the costs.

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Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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