



W.P.(MD)No.4233 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4233 of 2025

Manokaran

: Petitioner

Vs.

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

2. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

3. The Inspector of Police,
Sakkottai 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 first respondent to issue the petitioner's passport by considering his passport online application No. MD1067360610925, dated 27.01.2025 within a time limit.



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For Petitioner : Ms.P.Krishnaveni

For Respondents : Mr.G.Vidya Maheswaran

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side)

for R2 & R3

ORDER

This writ petition has been filed for issuance of a writ of mandamus, to direct the first respondent to issue the petitioner's passport by considering his online application No.MD1067360610925, dated 27.01.2025.

2.The petitioner has made an application in File No. MD1067360610925, to issue the 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.201 of



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2019 culminated in laying charge sheet in Spl.C.C.No.201 of 2020, before the learned Principal District Judge, Sivagangai.

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 Principal District Judge, Sivagangai, 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 these terms. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

PKN



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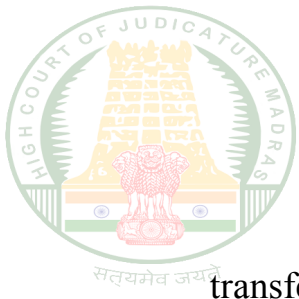
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This Writ Petition is listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that a case in Crime No.201 of 2019 was registered against one Vijay and the petitioner herein, which culminated in the filing of a charge sheet in Spl.C.C.No. 201 of 2020 before the learned Principal District Judge, Sivagangai. Subsequently, the said case was transferred to the Judicial Magistrate Court, Karaikudi, on 05.07.2022 and is yet to be renumbered.

3. The learned counsel further submits that this Court, by order dated 12.03.2025 in W.P.(MD)No.4233 of 2025, granted liberty to the petitioner to approach the learned Principal District Judge, Sivagangai, for the relief sought and directed the learned trial Judge to dispose of the miscellaneous application within a period of three weeks from the date of its filing. Subsequently, on 25.04.2025, the said direction was modified directing the petitioner to appear before the third respondent Police. In view of the fact that the case in Spl.C.C.No.201 of 2020 has since been



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transferred to the file of the Judicial Magistrate, Karaikudi, the learned counsel prays that a suitable direction may be issued to the said Court.

4. Considering the above submissions, the Registry is directed to include the following sentence at the end of Paragraph 3 of the order dated 12.03.2025:-

"The said case was subsequently transferred to the file of the Judicial Magistrate Court, Karaikudi, on 05.07.2022 and is yet to be renumbered."

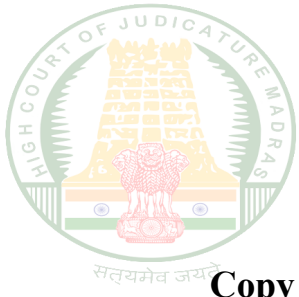
5. Further, the Registry is directed to carry out the necessary correction in Paragraph 5 of the order, by substituting the following sentence "there shall be a direction to the petitioner to appear before the learned Judicial Magistrate, Karaikudi, for the relief now sought for." in the place of "there shall be a direction to the petitioner to appear before the third respondent Police for the relief now sought for in this petition." and to issue a fresh copy of the corrected order forthwith.

6. In all other aspects, the order dated 12.03.2025, passed in W.P.(MD)No.4233 of 2025, remains unaltered.

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17.06.2025

Note:- Issue order copy on 18.06.2025



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Copy to:-

The Judicial Magistrate,
Karaikudi.



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