



W.P.(MD)No.4948 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4948 of 2025

and

W.M.P.(MD)No.3588 of 2025

Jeba Venus

... Petitioner

-VS-

- 1.The Regional Passport Officer,
O/o.Regional Passport Office,
Madurai District.
- 2.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 3.The Inspector of Police,
Manavalakurchi Police Station,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned clarification under Letter Ref.No.SCN /320565105/25, dated 23.01.2025 and to quash the same as unwarranted and unlawful and further direct the first respondent herein to issue Passport under File No.MD2077250874724 to the petitioner herein within a time frame fixed by this Court.



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For Petitioner : Mr.B.Michael Sebastin

For R1 : Mr.M.Rajendran
Central Government Standing Counsel

For R2 and R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner seeks to quash the impugned clarification letter of the first respondent, dated 23.01.2025 and further seeks a direction to issue a passport to him. He had submitted an application before the jurisdictional passport officer, who, in turn, issued a letter stating that an adverse Police Verification Report had been received concerning the petitioner's application (MD2077250874724) on 27.12.2024. Therefore, the Passport Officer advised the petitioner to report before him along with all the original documents. Apprehending that the application may not be processed due to his involvement in a criminal case, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondents 2 and 3 submitted that a criminal case has been registered against the petitioner in Crime No.126 of 2024 for the offences under Sections 281 and 106(1) of the B.N.S., on the file of the third respondent and the same has culminated in laying a charge sheet in C.C.No. 335 of 2024 before the Judicial Magistrate Court, Eraniel, Kanniyakumari District.

4. In view of the above said submission, the petitioner is given liberty to move the trial Court 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 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



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necessary, the applicant can be directed to file an application under Section 228 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by executing a special Vakalat.

5. 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.

6. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

25.02.2025

To:-

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VIVEK KUMAR SINGH, J.

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