



W.P.(MD).No.5062 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5062 of 2025

Jayaprakash

... Petitioner

-VS-

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

2. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

3. The Inspector of Police,
AWPS Marthandam Police Station,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to issue passport to the petitioner based on his application dated 22.01.2025 in file no MD2067771277314 on the file of the 1st respondent.

For Petitioner : Mr.J.Gavin Silvester

For Respondents : Mr.R.Senthilkumar (R1)

Central Govt. Standing Counsel



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Mr.K.Gnanasekaran (R2 & R3)
Government Advocate

ORDER

Mr.R.Senthilkuamar, learned Central Government Panel Counsel takes notice for 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 issue passport to the petitioner based on his application dated 22.01.2025 in file No.MD2067771277314 on the file of the 1st respondent.

3. The petitioner has made an application in File No. MD2067771277314, seeking issuance of 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. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.



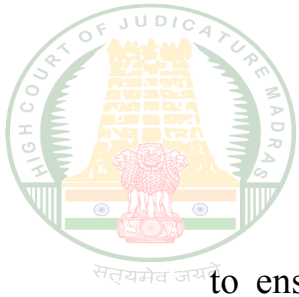
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4. The learned Government Advocate (Crl. side) appearing for the second and third respondents, on instructions would submit that as of now, three cases are pending against the petitioner and FIRs in Crime No.355/16, 44/19 and 49/23 were registered by the respondent police and the same have culminated in laying charge sheets, in C.C.Nos.158 of 2018, 503 of 2019 & 353 of 2023 before the Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District.

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 No.I, Kuzhithurai, Kanniyakumari 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 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



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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.

12.03.2025

NCC : Yes/No
Index : Yes / No
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Note: Issue order copy on 13.03.2025.



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VIVEK KUMAR SINGH, J.

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Order made in
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