



W.P.(MD)No.5248 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5248 of 2025

Vel Arumugam Vadivel

... Petitioner

-VS-

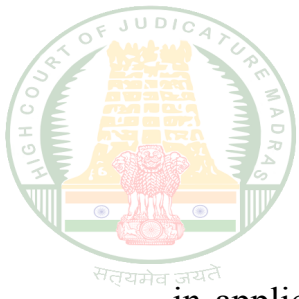
1.The Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002, Tamil Nadu.

2.The Superintendent Enquiry Officer,
The Regional Passport Officer Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002, Tamil Nadu.

3.The Inspector of Police,
Moolaikaraipatti Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned show cause notice dated 20.02.2025 in Letter Ref.No.SCN/320779181/25 was issued by the first respondent and quash the same as illegal and consequently, direct the first respondent to issue passport to the petitioner, by considering the petitioner's online application dated 27.01.2025



W.P.(MD)No.5248 of 2025

in application Reference No.25-1001192217, within a stipulated period as fixed by this Court.

For Petitioner : Mr.A.Sankararamasubramanian

For R1 and R2 : Mr.G.Rajaraman
Central Government Standing Counsel

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

ORDER

Heard both sides.

2. The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Further, the jurisdictional passport officer issued the impugned communication dated 20.02.2025, informing the petitioner to provide an explanation regarding the adverse police verification report. Apprehending that the petitioner's request may not be processed in view of his involvement in criminal cases, the present writ petition came to be filed.

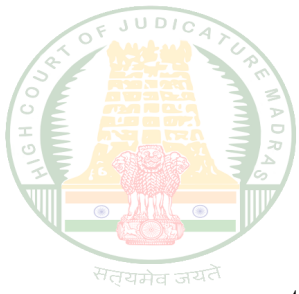


W.P.(MD)No.5248 of 2025

WEB COPY

3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the third respondent submitted that criminal cases have been registered against the petitioner in Crime No.178 of 2020 for the offences under Sections 147, 294(b) and 352 of I.P.C. and Crime No. 196 of 2023 for the offences under Sections 294(b) and 506(i) of I.P.C., on the file of the third respondent Police and the same have resulted in filing of charge sheets in S.T.C.Nos.595 of 2023 and 729 of 2024 before the learned Judicial Magistrate, Nanguneri, respectively.

4. In view of the above said submissions, 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



W.P.(MD)No.5248 of 2025

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 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.

NCC : Yes / No

Index : Yes / No

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27.02.2025

Note:- Issue order copy on 28.02.2025.

To:-

1. The Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002, Tamil Nadu.
2. The Superintendent Enquiry Officer,
The Regional Passport Officer Madurai,
Bharathi Ula Veethi,
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W.P.(MD)No.5248 of 2025

WEB COPY

3.The Inspector of Police,
Moolaikaraipatti Police Station,
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W.P.(MD)No.5248 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.5248 of 2025

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