



W.P.(MD)No.5634 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5634 of 2025

Mohamed Sulaiman Ibrahimsha

... Petitioner

-VS-

1.The Passport Officer,
The Regional Passport Office,
Madurai.

2.The State Rep. by,
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

... Respondents

[R2 impleaded vide order dated 26.03.2025,
made in W.M.P.(MD)No.5267 of 2025]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to renew and reissue passport to the petitioner by considering his explanation letter dated 16.02.2025, within a period that may be fixed by this Court.

For Petitioner : Mr.K.Althaf Sheriff

For R1 : Mr.S.Karthik
Central Government Standing Counsel



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For R2

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

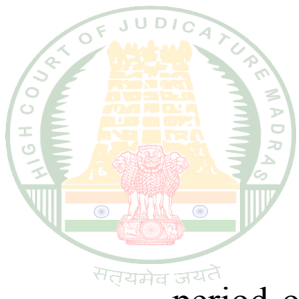
ORDER

Heard both sides.

2. The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the second respondent submitted that a criminal case has been registered against the petitioner in Crime No.420 of 2023 for the offences under Sections 279 and 337 of I.P.C., on the file of the second respondent and the same has culminated in laying a charge sheet in C.C.No.66 of 2024 before the Judicial Magistrate Court No.I, Dindigul.

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



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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 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
smn2

26.03.2025
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To:-

- 1.The Passport Officer,
The Regional Passport Office,
Madurai.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
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VIVEK KUMAR SINGH, J.

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