



W.P.(MD).No.6557 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6557 of 2025

Saravanan Ramanathan

... Petitioner

-VS-

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

2. The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram 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 a passport to the petitioner pursuant to the application dated 20.12.2024 bearing file number MD1077233103924 by considering the reply dated 04.03.2025 more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.K.Muthuvai Ilayaraja

For Respondents : Mrs.B.Deepa (R1)

Central Govt. Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate



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ORDER

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Mrs.B.Deepa, learned Central Government Panel Counsel takes notice for first respondent and Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) takes notice for the second respondent. 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 a passport to the petitioner pursuant to the application dated 20.12.2024 bearing file number MD1077233103924 by considering the reply dated 04.03.2025 more particularly within a time frame as may be stipulated by this Court..

3. The petitioner has made an application in File No. MD1077233103924, seeking issuance of his 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 respondent, on instructions would submit that there are four cases pending against the petitioner herein. The FIRs in Crime No.71/2020, 352/2020, 173/2022, 162/2024 were registered by the second respondent and the case in Crime No.71/2020 has culminated in laying charge sheet in STC.No.139/2024 before the Judicial Magistrate, Rameshwaram, Ramanathapuram District. He would further submit that the cases in Crime Nos.173 of 2022 and 162 of 2024 have culminated in laying charge sheets, however, have not been taken on file and the case in Crime No.352 of 2020 is under investigation.

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, Rameshwaram, Ramanathapuram 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



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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 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 the above terms. There shall be no order as to the costs.

14.03.2025

NCC : Yes/No
Index : Yes / No
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WEB CUTO:-

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VIVEK KUMAR SINGH, J.

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Order made in
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