



W.P.(MD).No.7676 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.7676 of 2025

Ayubkhan

... Petitioner

-vs-

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

2. The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to reissue the passport of the petitioner based on his application in File No. MD2077488304125 dated 14.03.2025 on the file of 1st respondent herein within a time stipulated by this Court.

For Petitioner : Mr.S.Meenakshi Sundaram

Senior Counsel

for Mr.N.GA.Nataraj

For Respondents : Mr.C.Rajaraman (R1)

Central Govt. Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. side)



W.P.(MD).No.7676 of 2025

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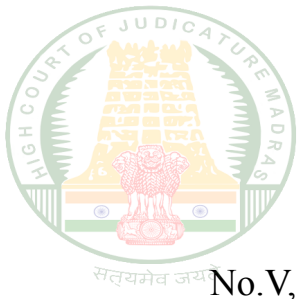
ORDER

This writ petition has been filed to direct the 1st respondent to reissue the passport of the petitioner, based on his application in File No. MD2077488304125 dated 14.03.2025 on the file of 1st respondent herein within a time stipulated by this Court.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner has made an application in File No. MD2077488304125, seeking re-issuance of his passport. While so, on receipt of adverse police verification report, it came to know that FIR in Crime No.264 of 2019 is pending on the file of the 2nd respondent police. Hence, the Writ Petition is filed, to direct the first respondent to re-issue the passport to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the second respondent, on instructions would submit that FIRs in Crime No.264 of 2019 was registered by the second respondent and the same has culminated in laying charge sheet, in C.C.No.2892 of 2022 before the Judicial Magistrate



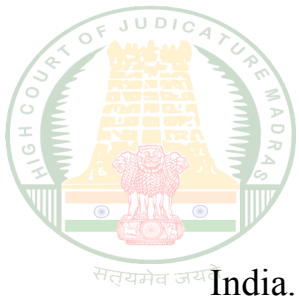
W.P.(MD).No.7676 of 2025

WEB COPY

No.V, Tirunelveli. He would further submit that out of 11 witnesses, 9 witnesses have been examined in this case and if the petitioner undertakes before the learned Judicial Magistrate No.V, Tirunelveli, that he will cooperate for the trial proceedings, the passport authority may be directed to pass orders with regard to issuance of passport, on merits and in accordance with law.

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 learned Judicial Magistrate No.V, Tirunelveli, 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 to ensure that the prosecution is not stalled on account of the petitioner's absence from



W.P.(MD).No.7676 of 2025

WEB COPY

India. If necessary, the applicant can be directed to file an application under Section 228 of BNSS, 2023 by executing a special vakalat.

7. The petitioner shall give an undertaking before the learned Judicial Magistrate No.V, Tirunelveli, that the prosecution initiated against him will not be stalled on account of his absence in India and that he will cooperate for the trial proceedings. He should undertake that summons can be served on him through E-mail/WhatsApp.

8. 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.

9. The writ petition is allowed on the above terms. There shall be no order as to the costs.

20.03.2025

NCC : Yes/No
Index : Yes / No
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W.P.(MD).No.7676 of 2025

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TO:-

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W.P.(MD).No.7676 of 2025

VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.7676 of 2025

Dated:
20.03.2025