



W.P.(MD)No.7803 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7803 of 2025

Syed Mohamed Shazuli

: Petitioner

Vs.

1. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Race Course Road, Madurai.

2. The Passport Officer,
Melakkal Main Road, Passport Office,
Kochadai, Madurai.

3. The Inspector of Police,
Thideer Nagar Police Station,
Madurai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to re-issue the petitioner's passport vide Passport Application file No. MD1077414479325 within a time frame.



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For Petitioner : Mr. M.Shakulhameed

For Respondents : Mr.S.Muthukumar

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R3

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to re-issue the petitioner's passport vide Passport Application file No. MD1077414479325.

2.The petitioner has made an application in File No. MD1077414479325, for issuance of passport. However, upon receiving an adverse police verification report, the first respondent refused to issue the passport. Hence, this Writ Petition has been filed by the petitioner.

3. The learned Government Advocate (Crl.) representing the third respondent, upon instructions, submitted that there are three FIRs registered against the petitioner. All three cases have been taken on file by the learned Additional Chief Judicial Magistrate, Madurai District in S.C. No. 90 of 2023, in S.C. No. 91 of 2023 before the learned II



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Additional Sub Court, Madurai and a separate charge sheet has been filed in C.C. No.202400384, before the learned Judicial Magistrate V, Madurai.

4. Heard the learned counsels on either side and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the concerned 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 learned 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 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 Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.



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6. Based on the order passed by the learned 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.

7. This Writ Petition is allowed on the above terms. There shall be no order as to costs.

26.03.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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3. The Inspector of Police,
Thideer Nagar Police Station,
Madurai.

4. The learned Additional Chief Judicial Magistrate, Madurai District.

5. The learned II Additional Sub Court, Madurai.

6. The learned Judicial Magistrate V, Madurai.



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VIVEK KUMAR SINGH, J.

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