



W.P.(MD).No.8075 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8075 of 2025

Sabari Radhakrishnan

... Petitioner

-VS-

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

**2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.**

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to issue a passport to the petitioner pursuant to the petitioner's application dated 24.12.2024 bearing file No.MD1067240950324 within a time frame as may be stipulated by this Court.

For Petitioner : Mr.K.Muthuvai Ilayaraja

For R1 : Mr.A.P.Rajasimman

For R2 :Mr.K.Gnanasekaran

Government Advocate (Crl.side)



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ORDER

This Writ Petition has been filed to direct the 1st respondent to issue a passport to the petitioner pursuant to his application dated 24.12.2024 bearing file No.MD1067240950324.

2.The petitioner has made an application in File No.MD1067240950324 seeking to issue a 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.

3.The learned Government Advocate (Crl. side) appearing for the second respondent, on instructions, would submit that as of now, there is on pending against the petitioner in Cr.No.525 of 2020 registered by the second respondent Police and the same was culminated in laying charge sheet in e-filing No.LTN20220001986C202400648, dated 25.05.2024 before the Judicial Magistrate No.II, Ramanathapuram District.



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4. Heard the learned Counsels on either sides and carefully perused the materials available on record.

5.The petitioner is given liberty to move the Judicial Magistrate Court-II, 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 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.

6.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.



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

27.03.2025

NCC : Yes/No
Index : Yes / No

cmr

To:-

- 1.The Judicial Magistrate No.II, Ramanathapuram District.
- 2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.



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VIVEK KUMAR SINGH, J.

cmr

Order made in
W.P.(MD)No.8075 of 2025

25.03.2025