



W.P.(MD)No.7963 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7963 of 2025

and

W.M.P.(MD)No.6002 of 2025

Sudhakar Rathinam

... Petitioner

-VS-

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

2.The State of Tamil Nadu, Rep. by,
The Inspector of Police,
Pathamada Police Station,
Tirunelveli District.
[Crime No.187 of 2020]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned show cause notice issued by the first respondent vide proceeding No.SCN/318889819/24, dated 07.08.2024 and quash the same as illegal and consequently, direct the first respondent herein to permit the petitioner to continue to use the Passport bearing No.Y4379498, by considering the petitioner's reply dated 11.09.2024 and 20.01.2025.



W.P.(MD)No.7963 of 2025

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For Petitioner : Mr.S.Sathyachidambaram
For R1 : Mr.S.Karthik
Central Government Standing Counsel
For R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner seeks to quash the impugned show cause notice dated 07.08.2024 and to permit him to continue to use his 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.187 of 2020 for the offence under Section 379 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.27 of 2022 before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli.

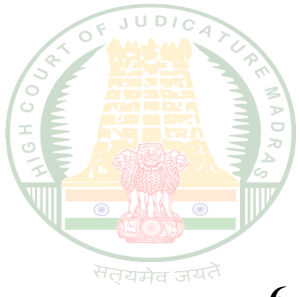


W.P.(MD)No.7963 of 2025

WEB COPY

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 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.



W.P.(MD)No.7963 of 2025

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6. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

24.03.2025

To:-

1.The Regional Passport Officer,
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2.The Inspector of Police,
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W.P.(MD)No.7963 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.7963 of 2025

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