



W.P.(MD)No.9342 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9342 of 2025

Srinivasan Sathaiah

: Petitioner

Vs.

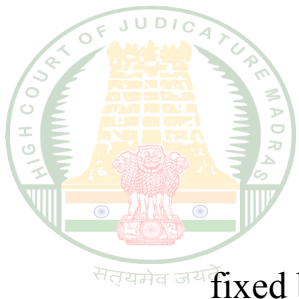
1. The Regional Passport Officer,
The Regional Passport Office,
Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2. The Inspector of Police,
Keelavalavu Police Station,
Melur,
Madurai District.
(In Crime Nos.120/2024 and 47/2024).

3. The Inspector of Police,
TIW-II Police Station,
Madurai City.
(In Crime No.4/2021)

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to re-issue the passport of the petitioner in Application No. reference No.MD1076678302924 dated 24.06.2024 within a time limit that may be



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fixed by this Honourable Court.

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For Petitioner : Mr. N.Kumar

For Respondents : Mr.M.Murugan

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side)

for R2 & 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.MD1076678302924.

2.The petitioner has made an application in File No. MD1076678302924, for re-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.



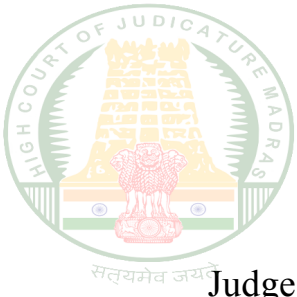
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3. The learned Government Advocate (Crl.), appearing for the second and third respondents, on instructions, submitted that there are six cases pending against the petitioner. Of these, three cases have resulted in the filing of charge sheets in C.C. No.389 of 2011 and STC No. 2712 of 2022 before the learned Judicial Magistrate, No. II, Madurai District, and in P.R.C.No.8 of 2025 before the learned Judicial Magistrate, No. II, Sivagangai.

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 Courts 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



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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.

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 stands disposed of on the above terms.

There shall be no order as to costs.

07.04.2025

Index : Yes / No

Internet : Yes / No

PKN



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4. Learned Judicial Magistrate, No. II, Madurai District.

5. Learned Judicial Magistrate, No. II, Sivagangai.



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VIVEK KUMAR SINGH, J.

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