



W.P.(MD)No.10160 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10160 of 2025

Joshi Nivas Nimal

: Petitioner

Vs.

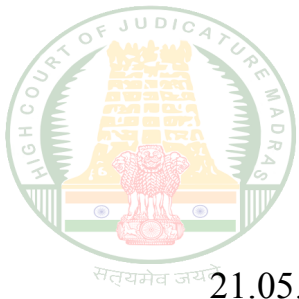
1. The Consul, (Passport),
The Consulate General of India,
Post Box No. 737, Plot No. 314,
Ai Hamriya Diplomatic Enclave,
Bur Dubai.

2. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai 625 002,
Madurai District.

3. The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondent 1 and 2 to recall the petitioner's passport bearing No.Z5750273 dated



W.P.(MD)No.10160 of 2025

21.05.2024 which was issued by the 1st respondent by permitting the petitioner to fly abroad by utilizing the petitioner's passport.

For Petitioner : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy

For Respondents : Mr.G.Vishnuram
CGSC for R1 & R2
Mr.K.Gnanasekaran
Government Advocate (CrI.Side)
for R3

ORDER

This writ petition has been filed for issuance of a writ of mandamus, forbearing the respondents 1 and 2 from recalling the petitioner's passport bearing No.Z5750273, dated 21.05.2024, which was issued by the first respondent and consequently, to permit the petitioner to travel abroad by utilizing the said passport.

2.The petitioner has made an application to renew his passport. However, based on an adverse police verification report, the first respondent issued a show cause notice proposing to recall the passport issued to the petitioner. Hence, this Writ Petition has been filed by the petitioner.



W.P.(MD)No.10160 of 2025

WEB COPY

3. The learned Government Advocate (Crl.) appearing for the second respondent, on instructions, submitted that out of four cases registered against the petitioner, two cases have been culminated in laying charge sheet in E-Filing No.C.C.C202400505, dated 27.09.2024 and in E-Filing No.C.C.C202400280, dated 10.05.2024 before the learned Judicial Magistrate, Radhapuram, Tirunelveli District.

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 learned Judicial Magistrate, Radhapuram, Tirunelveli 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 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



W.P.(MD)No.10160 of 2025

WEB COPY

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.

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.

25.04.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.10160 of 2025

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4. Learned Judicial Magistrate, Radhapuram, Tirunelveli District.



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W.P.(MD)No.10160 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD) No.10160 of 2025

25.04.2025