

W.P.(MD)No.10453 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10453 of 2025

and

W.M.P.(MD)Nos.7801 and 7802 of 2025

R.Ganesan

... Petitioner

-VS-

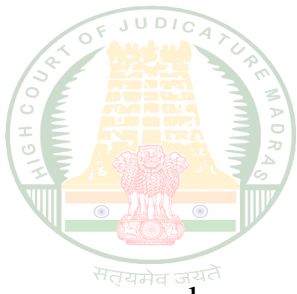
1.The Regional Office,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli, Tirunelveli District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the File No.MD2067094296324 and Ref.No.SCN/320092515/24 dated 25.11.2024 and impugned order passed by the first respondent and quash the same as void and illegal and directing the first respondent not to impose any condition on the



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above order and directing the first respondent to order for providing the passport for petitioner on the basis of the documents submitted by the petitioner along with material evidences available.

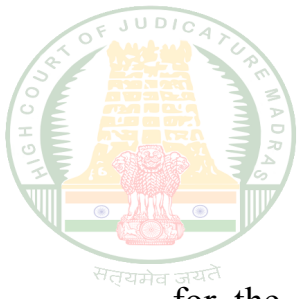
For Petitioner	:	Mr.B.Char Murugan
For R1	:	Mr.P.Sivachandran Central Government Standing Counsel
For R2 and R3	:	Mr.K.Gnanasekaran Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner seeks to quash the impugned show cause notice dated 25.11.2024 and also seeks issuance of 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 respondents 2 and 3 submitted that a criminal case has been registered against the petitioner in Crime No.225 of 2023



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for the offences under Sections 279 and 304(A) of I.P.C., on the file of the Pathamada Police Station and the same has culminated in laying a charge sheet in C.C.No.107 of 2024 before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District. Apart from the above said case, the petitioner has also involved in a case in Crime No.979 of 2017 for the offence under Section 4(1)(A) of the Tamil Nadu Prohibition Act, 1937, on the file of the Alangulam Prohibition and Enforcement Wing, Tirunelveli District and the same is pending at the F.I.R. stage.

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



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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.

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

NCC : Yes / No
Index : Yes / No
smn2

21.04.2025

To:-

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Madurai - 625 002.
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VIVEK KUMAR SINGH, J.

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