



W.P.(MD)No.11154 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11154 of 2025

Daniel Vasantha Paul

... Petitioner

-VS-

1.The Government of India,
Ministry of External Affairs,
Taluk of South West,
Delhi District, Delhi.

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

3.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
(Crime No.193/2022)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to re-issue the passport to the petitioner by considering the petitioner's online application No.MD2077517663125, dated 27.03.2025, within a time stipulated by this Court.



WEB COPY



W.P.(MD)No.11154 of 2025

For Petitioner : Mr.M.Shema Daniel
For R1 and R2 : Mrs.J.Padmavathi Devi
Central Government Standing Counsel
For R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner 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 third respondent submitted that a criminal case has been registered against the petitioner in Crime No.193 of 2022 for the offences under Sections 143, 294(b), 448, 352 and 506(i) of I.P.C., on the file of the third respondent and the same has culminated in laying a charge sheet in C.C.No.106 of 2025 before the learned Judicial Magistrate, Sivagiri, Tenkasi District.



W.P.(MD)No.11154 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.11154 of 2025

WEB COPY

6. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

22.04.2025

To:-

- 1.The Government of India,
Ministry of External Affairs,
Taluk of South West,
Delhi District, Delhi.
- 2.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.
- 3.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.



WEB COPY



W.P.(MD)No.11154 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.11154 of 2025

22.04.2025