



W.P.(MD).No.13097 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.13097 of 2025

Xavier Amala Kingston

... Petitioner

-VS-

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

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

... Respondents

PRAYER: 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 order in the File No.MD2076453653524, dated.06.09.2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to reissue/renew the petitioner's passport in Passport No.L9295262 to the petitioner within the stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.S.Selvakrishnan (R1)



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Central Govt. Standing Counsel

Mr.K.Gnanasekaran (R2)

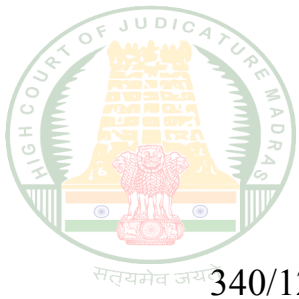
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order in File No.MD2076453653524, dated.06.09.2024 issued by the 1st respondent and also to direct the 1st respondent to reissue/renew the petitioner's passport in Passport No.L9295262 to the petitioner within the stipulated time fixed by this Court.

2. The petitioner has made an application in File No. MD2076453653524, seeking renewal of his passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication to the petitioner, requiring an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

3. The learned Government Advocate (Crl. side) appearing for the second respondent, on instructions would submit that FIR in Crime No.



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340/12 was registered against the petitioner by the second respondent and the same has culminated in laying charge sheet in PRC No.58 of 2020 before the Judicial Magistrate, Radhupuram, Tirunelveli District.

4. Heard the learned counsels on either sides and carefully perused the materials available on record.

5. The petitioner is given liberty to move the Judicial Magistrate, Radhupuram, 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 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 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 BNSS, 2023 by executing a special vakalat.



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6. 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.

7. The writ petition is allowed on the above terms. There shall be no order as to the costs.

30.04.2025

NCC : Yes/No
Index : Yes / No
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WEB CUTO:-

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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.13097 of 2025

Dated:
30.04.2025