



W.P.(MD)No.13098 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.13098 of 2025

Kalaivanan

: Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

2. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.68 of 2017).

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to issue the passport to the petitioner based on the petitioners passport application No. MD1066666278124 and petitioner's representation dated 04.04.2025 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthish



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For Respondents : Mr.S.Soundarapandian

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side)
for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to issue the passport to the petitioner in Application No.MD1066666278124, dated 04.04.2025, within the time stipulated by this Court.

2.The petitioner has made an application in File No.MD1066666278124, for 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.

3. The learned Government Advocate (Crl.) appearing for the second respondent, on instructions, submitted that Crime No.68 of 2017 culminated in laying charge sheet in S.T.C.No.2416 of 2019, before



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the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

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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, Paramakudi, Ramanathapuram 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 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.



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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.

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Index : Yes / No

Internet : Yes / No

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3. Learned Judicial Magistrate, Paramakudi, Ramanathapuram District.



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VIVEK KUMAR SINGH, J.

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