



W.P.(MD) No.17063 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.06.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.17063 of 2025

Syed Mohamed Shazuli

... Petitioner

Vs.

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

2.The Passport Officer,
Melakkal Main Road, Passport Office,
Kochadai, Madurai

3.The Inspector of Police,
Thideer Nagar Police Station,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to adhere the order passed by the learned Additional Chief Judicial Magistrate Madurai in CrI.M.P.No.2585/2025 in S.C.No.90/2023 dated 30.04.2025 and to re-issue the passport to the petitioner based on his application in File No.MD1077414479325 forthwith.



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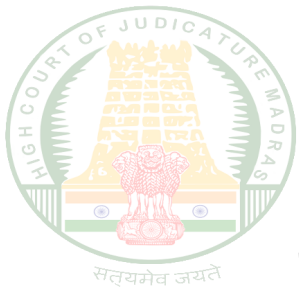
For Petitioner : Mr.M.Shakulhameed
For R1 & R2 : Mr.B.Satheesh Kumar
Central Government Standing Counsel
For R3 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed for a Mandamus to direct the respondents 1 and 2 to adhere the order passed by the learned Additional Chief Judicial Magistrate Madurai in Crl.M.P.No.2585/2025 in S.C.No. 90/2023 dated 30.04.2025 and to re-issue the passport to the petitioner based on his application in File No.MD1077414479325 forthwith.

2. The petitioner has approached this Court for second time for almost identical relief. Earlier, the petitioner had filed W.P(MD)No.7803 of 2025. The prayer in the said writ petition is also identical, which reads as under:

Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the first respondent to re-issue the petitioner's passport vide Passport Application file No.MD1077414479325 within a time frame.



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3. The said writ petition was disposed of by this Court with a permission to the petitioner to file an application under Section 228 of the Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.

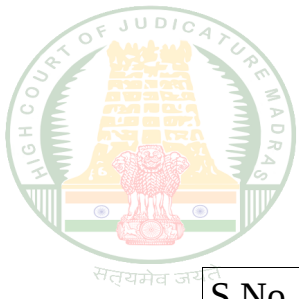
The operative portion of the order reads as Under:

5. The petitioner is given liberty to move the concerned 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 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.

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.

4. It is noticed that the petitioner has been arrayed as an accused in three different cases in respect of which the charge sheets have been filed.

The details are as under:



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S.No.	Crime No.	S.C.No.	Court
1	84/2022	91/2023	Additional Sub Court, Madurai
2	82/2022	90/2023	Additional Chief Judicial Magistrate, Madurai.
3	673/2015	Not taken on file (e-filing on 01.10.2024)	Judicial Magistrate V, Madurai.

5. Considering the same, there is no scope for granting any relief to the petitioner as prayed for. However, it is open to the petitioner to approach the concerned Courts for appropriate relief for issuance of passport to the petitioner.

6. The writ petition stands dismissed with the above liberty. No costs.

25.06.2025

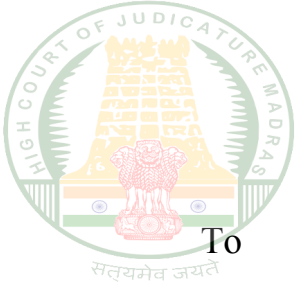
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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Speaking Order / Non-Speaking Order



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C.SARAVANAN, J.

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