



W.A(MD)No.2029 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD)No.2029 of 2025

Mohammed Azarudeen

... Appellant /
Petitioner

Vs.

1.The Union of India,
Represented by
The Regional Passport Officer,
Passport Office,
Tiruchirappalli – 620 118.

2.The Inspector of Police,
Nagudi Police Station,
Nagudi,
Aranthangi Taluk,
Pudukkottai District.
(In Crime Nos.573 of 2020
and 353 of 2020)

3.The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukkottai District.
(In Crime No.297 of 2021)

... Respondents/
Respondents



W.A(MD)No.2029 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the impugned order dated 25.04.2025 made in W.P(MD)No.10019 of 2025 on the file of this Court and allow the Writ Appeal.

For Appellant : Mr.J.John

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
for R.1

Mr.T.Senthil Kumar
Additional Public Prosecutor
for R.2 & R.3

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The petitioner sought renewal and reissuance of his passport. The passport authority did not act on his application. Hence, the petitioner filed W.P(MD)No.10091 of 2002. The learned single Judge vide order dated 25.04.2025 disposed of the writ petition in the following terms:

“5. The petitioner is given liberty to move the learned Judicial Magistrate, Aranthangi, Pudukottai District, for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within



WEB COPY



W.A(MD)No.2029 of 2025

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.”

Aggrieved by the same, this Writ Appeal has been filed.

3.The learned Additional Public Prosecutor appearing for the jurisdictional Police would submit that there are as many as 3 criminal cases pending against the appellant and they have been taken on file also. Therefore, it is only the trial Court that can grant relief. The writ Court cannot at the first



W.A(MD)No.2029 of 2025

instance grant relief. The learned single Judge had adopted the right approach.

WEB COPY Interference with the said order is not warranted.

4.This Writ Appeal stands dismissed. There shall be no order as to costs.

[G.R.S., J.] [K.R.S., J.]
25.07.2025

NCC : Yes / No
Internet : Yes / No
Index
MGA

To

1.The Regional Passport Officer,
The Union of India,
Passport Office,
Tiruchirappalli – 620 118.

2.The Inspector of Police,
Nagudi Police Station,
Nagudi,
Aranthangi Taluk,
Pudukkottai District

3.The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukkottai District.



WEB COPY



W.A(MD)No.2029 of 2025

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

W.A(MD)No.2029 of 2025

25.07.2025



WEB COPY



W.A(MD)No.2029 of 2025