



W.P.(MD)No.27261 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.27261 of 2024

and WMP (MD) No.23076 of 2024

K.Soorya

: Petitioner

Vs.

1. The Regional Passport Officer,
The Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross Street,
Trichy,
Trichy District.

2. The Inspector of Police,
Kuniamuthur Police Station,
Coimbatore.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned show cause notice issued by the 1st respondent dated 29.10.2024 in letter No.SCN/31/9857311/2024 and quash the same and consequently directing the 1st respondent to renew the passport based on File No. TR1076096070723.



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For Petitioner : Mr.E.Satheesh

For Respondents : Mr.G.Vidya Maheswaran

CGSC for R1

Mr.K.Gnanasekaran

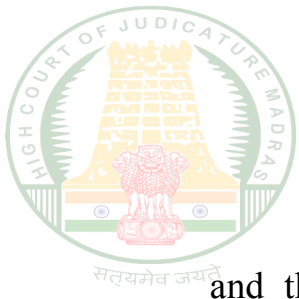
Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to renew the petitioner's passport vide Passport Application file No. TR1076096070723.

2.The petitioner has made an application in File No. TR1076096070723, 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 and third respondents, on instructions, submitted that there are six cases pending against the petitioner. Of these, two cases have been taken on file before the learned Judicial Magistrate No. II, Coimbatore,



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and three cases have been taken on file before the learned Judicial Magistrate, Pattukottai.

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

5. The petitioner is given liberty to approach the respective trial Courts 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. Consequently, the connected miscellaneous petition is closed.

07.04.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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Trichy,
Trichy District.

2. The Inspector of Police,
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WEB COPY 3.The learned Judicial Magistrate, Pattukottai.

4.The learned Judicial Magistrate No. II, Coimbatore,



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VIVEK KUMAR SINGH, J.

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