

W.P.(MD)No.29552 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.29552 of 2024

Kanchikumar

... Petitioner

Vs.

1.The Regional Passport Officer,
O/o. Regional Passport Office,
Race Course Colony,
Madurai.

2.The State Represented by its,
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in file No.MD1077007169124 dated 19.11.2024, passed by the 1st respondent and quash the same as illegal and consequently, direct him to hand over the passport bearing the No.C3425607 to the petitioner.

For Petitioner	: Mr.K.Baskaran
For 1 st Respondent	: Mr.Maharajan Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



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ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in file No.MD1077007169124 dated 19.11.2024, passed by the 1st respondent and quash the same as illegal and consequently direct him to hand over the passport bearing the No.C3425607 to the petitioner.”

2.The petitioner has made an application in File No.MD1077007169124, for issuance of passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a communication dated 22.10.2024, required an explanation from the petitioner. The petitioner appeared before the first respondent and submitted his explanation on 19.11.2024. However, no action was taken till now. Hence, this Writ Petition is filed.

3.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that Crime No.159 of 2013 culminated in laying charge sheet in P.R.C.No.83 of 2019 before the learned Judicial Magistrate No.V, Tirunelveli District.

4.Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the

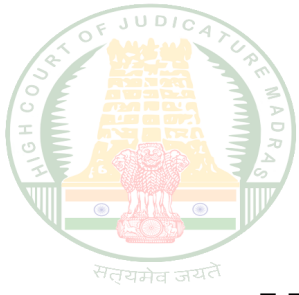


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learned Government Advocate appearing for the 2nd respondent and carefully perused the entire materials available on record.

5.The petitioner is given liberty to move the learned Judicial Magistrate Court No.V, 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 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.



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7.This Writ Petition is allowed on these terms. There shall be no order as to costs.

07.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

- 1.The Judicial Magistrate No.V, Tirunelveli District.
- 2.The Regional Passport Officer,
O/o. Regional Passport Office,
Race Course Colony,
Madurai.
- 3.The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.



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L.VICTORIA GOWRI, J.

Mrn

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