



W.P.(MD)No.30033 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.30033 of 2024

Tharvesh Meeran

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2. The Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
(Crime Nos.98/21 & 193/21)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to expedite the process of issuing a passport to the petitioner based on his application for renewal dated 19.08.2024 bearing Application No.MD2076857096124 and thereby permit the petitioner to travel abroad.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.K.Maharajan (R1)

Central Government Standing Counsel



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Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. Side)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to expedite the process of issuing a passport to the petitioner based on his application for renewal dated 19.08.2024 bearing Application No.MD2076857096124 and thereby permit the petitioner to travel abroad.”

2. On 19.08.2024, the petitioner made an application, seeking for issuance of passport by producing all necessary documents. Since the cases in Crime Nos.98/21 & 193/21 on the file of the 2nd respondent police have been registered against the petitioner, the petitioner's application is pending without any progress. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondent police on instructions would submit that criminal cases in Crime Nos.98/21 & 193/21 have culminated in



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laying charge sheets in CC No.196 of 2022 and CC in FR-191/2021-
ORIGINAL before the learned Additional Mahila Court, Nagercoil
respectively.

4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the respondent police and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Additional Mahila Court, Nagercoil, 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 and 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 such 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 in India. If necessary, the applicant can be directed to file



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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.

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

20.01.2025

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Regional Passport Officer,
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Bharathi Ula Veethi,
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Madurai – 625 002.
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Kanyakumari District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.30033 of 2024

Dated:
20.01.2025