



W.P.(MD)No.31218 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **06.01.2025**

CORAM:

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

W.P.(MD)No.31218 of 2024

and

W.M.P.(MD)Nos.26176 & 26177 of 2024

Pandiyan

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Thiruchirappalli – 620 018.

2. The Inspector of Police,
Walajapet Police Station,
Velur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent's in letter Ref No. OBJ/319698225/24 dated 09.10.2024 and quash the same as illegal and in consequence thereof direct the first respondent to issue passport to the petitioner.



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For Petitioner : Mr.P.Ganapathi Subramanian
For R-1 : Mr. Mahendran
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

This writ petition has been filed to direct the 1st respondent to issue a passport to the petitioner based on his application TR 2076946724924.

2. The petitioner has made an application vide application No.TR 2076946724924, seeking to issue passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication on 09.10.2024, required an explanation from the petitioner. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

3. The learned Government Advocate (Crl.) appearing for the second respondent on instructions would submit that FIR in Crime No.348 of 2014 was registered by the second respondent under Section 406 of IPC and the same has culminated in laying a charge sheet in E-filing No.CC-LTN20220002025C



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202500012, before the learned Judicial Magistrate No.II, Walajapet

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

5. The petitioner is given liberty to move the Judicial Magistrate Court No.II, Walajapet, 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 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 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 BNSS, 2023 by executing a special vakalat.

6. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-



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mentioned application in terms of the said order.

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7. The writ petition is allowed on these terms. There shall be no order as to the costs. Consequently, connected miscellaneous petitions are closed.

06.01.2025

NCC : Yes / No

Index : Yes / No

jbr

TO:-

1. The Regional Passport Officer,
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Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Thiruchirappalli – 620 018.
2. The Inspector of Police,
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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.31218 of 2024

Dated
06.01.2025