



*W.P.(MD)No.30665 of 2024*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 19.02.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.30665 of 2024**

Akbar Ali

: Petitioner

Vs.

1. The Regional Passport Officer,  
Madurai.

2. The Inspector of Police,  
Nainarkovil Police Station,  
Ramanathapuram District.

: Respondents

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent to renew the petitioners passport vide Passport Application file No. MD1074126364322.

For Petitioner : Mr.M.Seeni Sulthan

For Respondents : Mr.K.Sankararaman

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R2



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## **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. MD1074126364322.

2.The petitioner has made an application in File No. MD1074126364322, 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 respondent, on instructions, submitted that Crime No.3 of 2023 culminated in laying charge sheet in C.C.No.215 of 2023, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

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



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5. The petitioner is given liberty to move the learned Judicial Magistrate, Paramakudi, Ramanathapuram 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.

**19.02.2025**

Index : Yes / No

Internet : Yes / No

PKN

To

1. The Regional Passport Officer,  
Madurai.

2. The Inspector of Police,  
Nainarkovil Police Station,  
Ramanathapuram District.

3. The Judicial Magistrate,  
Paramakudi, Ramanathapuram District.



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**VIVEK KUMAR SINGH, J.**

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