



W.P.(MD)No.30755 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.30755 of 2024

Balasubramanian

... Petitioner

Vs.

1. The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai 625 002.

2. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

3. The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

... 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 issue the renewal passport considering his passport Application in File No. MD 1077045283524 dated 21.10.2024 on the file of the 1st respondent within the time stipulated by this Court.



W.P.(MD)No.30755 of 2024

For Petitioner

: Mr.V.Selvakumar

For Respondents

: Mr.Narayanan,

Central Govt. Standing Counsel (R1)

Mr.K.Gnanasekaran,

Government Advocate (R2 & R3)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus directing the 1st respondent to issue the renewal passport considering his passport Application in File No. MD 1077045283524 dated 21.10.2024 on the file of the 1st respondent within the time stipulated by this Court.”

2. The petitioner is the holder of passport No.R324587. On 21.10.2024, the petitioner made an application, seeking renewal of passport by producing all necessary documents. The first respondent issued a communication dated 06.11.2024 directing him to appear before the authority seeking explanation about the cases registered against him in Crime No.223 of 2013 on the file of the 3rd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



W.P.(MD)No.30755 of 2024

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 case in Crime No.223 of 2013 on the file of the 3rd respondent police has culminated in laying charge sheet, wherein the petitioner was also acquitted. The learned Government Advocate (Crl.) appearing for the respondent police filed a counter affidavit stating that there are other three cases pending against the petitioner in CC No.160 of 2020 and CC No.22 of 2024 before the Judicial Magistrate Court, Sivagangai, and also in Crime No. 381 of 2024.

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 Judicial Magistrate Court, Sivagangai, 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



W.P.(MD)No.30755 of 2024

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 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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W.P.(MD)No.30755 of 2024

TO:-

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W.P.(MD)No.30755 of 2024

L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.30755 of 2024

Dated:
20.01.2025