



W.P.(MD) No.31082 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.31082 of 2024

S.Vasan

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Petitioner

-VS-

1. The Regional Passport Officer,
The Regional Passport Office,
Tiruchirappalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli - 620 018.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1st respondent to renew the petitioner's passport vide Application File No.TR2076937918324, dated 13.09.2024, by considering the petitioner's written representation, dated 25.10.2024, before the 1st respondent.



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For Petitioner : Mr.S.Murugapandi

For Respondent 1 : Mr.K.Govindarajan,
Dy. Solicitor General.

For Respondents 2 & 3 : Mr.K.Gnanasekaran,
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 renew the petitioner's passport vide Application File No.TR2076937918324, dated 13.09.2024, by considering the petitioner's written representation, dated 25.10.2024, before the 1st respondent.”

2.The petitioner is the holder of passport No.Z2993202 and the same expired on 18.11.2024. Hence, the petitioner has made an application to the first respondent on 13.09.2024, seeking renewal of passport and the same was taken on file in Ref.No.SCN/319523317/24. While so, on receipt of adverse police verification report, the 1st respondent had sent a letter on 18.09.2024, requiring an explanation from the petitioner. Thereafter, the petitioner made a representation dated 25.10.2024, to re-issue the passport to the petitioner.



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However, the same was not considered. Hence, the Writ Petition came to be filed.

3.The learned Government Advocate (Crl.) appearing for respondents 2 and 3, on instructions, would submit that Crime No.60 of 2018 culminated in laying a charge sheet in C.C.No.71 of 2019 on the file of the learned Judicial Magistrate No.1, Srivaikundam.

4.Heard the learned counsel appearing for the petitioner, the learned Deputy Solicitor General for the 1st respondent, the learned Government Advocate appearing for respondents 2 and 3 and carefully perused the entire materials available on record.

5.The petitioner is given liberty to move the learned Judicial Magistrate Court No.1, Srivaikundam, 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



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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.

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

02.01.2025

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

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L.VICTORIA GOWRI, J.

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