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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2025**

CORAM:

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

W.P.(MD)No.31210 of 2024
and
W.M.P.(MD)No.26172 of 2024

O.Aiubu ... Petitioner

Vs.

1. The Government of India,
   Ministry of External Affairs,
   Regional Passport Officer,
   Regional Passport Office,
   Madurai Bharathi Ula Veethi,
   Race Course Road,
   Madurai – 625 002.

2. The Inspector of Police,
   Tenkasi Police Station,
   Tenkasi Taluk,
   Tenkasi 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 impugned communication No.SCN/320103585/24 dated 26.11.2024 and quash the same and consequently, to direct the first respondent to issue passport to the petitioner by considering his application

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No.MD2067060533324 dated 25.10.2024 and for other reliefs.

For Petitioner : Mr.S.Atham Ali

For R-1 : M/s.B.Deepa
Central Government Standing Counsel

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 No.MD2067060533324 dated 25.10.2024

2. The petitioner has made an application vide application No.MD2067060533324, seeking to issue passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication on 26.11.2024, 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

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respondent on instructions would submit that FIR in Crime No.155 of 2020 was registered by the second respondent under Sections 143, 270, 294(b), 323, 353, 355, 506(1) of IPC and the same has culminated in laying a charge sheet in C.C.No.733 of 2024 before the learned Judicial Magistrate Court, Tenkasi.

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, Tenkasi, 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.

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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-mentioned application in terms of the said order.

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

06.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

1. The Government of India,
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   Regional Passport Officer,
   Regional Passport Office,
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   Race Course Road,
   Madurai – 625 002.

2. The Inspector of Police,
   Tenkasi Police Station,
   Tenkasi Taluk,
   Tenkasi District.

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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.31210 of 2024

Dated
06.01.2025

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