



W.P.(MD)No.30968 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.30968 of 2024

Sathishkumar

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

2. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

3. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to renew the petitioner's passport in Passport No. L6485440 in reference to the File No. MD1076612271724 dated 03.06.2024, pending on the file of the 1st respondent Authorities.



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For Petitioner : Mr.R.Vinoth
For Respondents : Mr.S.Karthick (R1)
Standing Counsel
Mr.K.Gnanasekaran (R2 & R3)
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 in Passport No. L6485440 in reference to the File No. MD1076612271724 dated 03.06.2024, pending on the file of the 1st respondent Authorities.”

2. The petitioner is the holder of passport No.L6485440, which was expired on 06.01.2024. On 03.06.2024, the petitioner made an application, seeking renewal of passport by producing all necessary documents. The first respondent issued communications dated 13.06.2024 and 04.12.2024 directing him to appear before the authority seeking explanation about the cases registered against him in Crime No.769 of 2018 and 93 of 2023 on the file of the 2nd and 3rd respondent police respectively. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



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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 cases in Crime No.769 of 2018 and 93 of 2023 have culminated in laying charge sheets in STC No.866 of 2023 before the learned Judicial Magistrate No.I, Sivagangai, and in STC No.381 of 2023 before the learned Judicial Magistrate, Karaikudi respectively and both the cases are disposed.

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 No.I, Sivagangai or the Judicial Magistrate, Karaikudi, 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 avocation may be at stake, if he is denied the right to go abroad. Therefore, the learned Trial Court, unless



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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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TO:-

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1. The Regional Passport Officer,
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2. The Inspector of Police,
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3. The Inspector of Police,
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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.30968 of 2024

Dated:
20.01.2025