WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.01.2025**

CORAM:

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

W.P.(MD)No.31138 of 2024

Anishkumar ... Petitioner

Vs.

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

2. The Inspector of Police,
   Marthandam Police Station,
   Kanniyakumari District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent herein to renew/re-issue the passport in petitioner favour on the basis of his passport application No.MD4076970020124, dated 25.09.2024 within the time stipulated by this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.K.Rajesh

For R-1 : Mr.K.Kuthalanathan
Central Government Standing Counsel

For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

This writ petition has been filed to direct the first respondent herein to renew/re-issue the passport in petitioner favour on the basis of his passport application No.MD4076970020124, dated 25.09.2024 within the time stipulated by this Court.

2. The petitioner has made an application in File No. No.MD-4076970020124, seeking re-issuance of passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication on 03.08.2024, 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 respondent on instructions would submit that FIR in Crime No.76 of 2021 was

https://www.mhc.tn.gov.in/judis

WEB COPY

registered by the second respondent under Sections 24, 4(1)(aaa), 4(1)(i) of Tamil Nadu Prohibition Act and the same has culminated in laying a charge sheet in STC No.82 of 2022 before the learned Judicial Magistrate No.I, Kuzhithurai.

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 No.I, Kuzhithurai, 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.

https://www.mhc.tn.gov.in/judis

WEB COPY

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.

08.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

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

2. The Inspector of Police,
   Marthandam Police Station,
   Kanniyakumari District.

https://www.mhc.tn.gov.in/judis

WEB COPY

L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.31138 of 2024

Dated
08.01.2025

https://www.mhc.tn.gov.in/judis