



W.P.(MD)No.31343 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.01.2025**

CORAM:

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

W.P.(MD)No.31343 of 2024

Sakunthala Velusamy

... Petitioner

Vs.

1. The Regional Passport Officer,
Office of the Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
Crime No.239/2022.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned notice in File No.MD2075781584323 passed by 1st respondent dated 01.06.2024 and quash the same and consequently to direct the 1st respondent to issue the passport to the petitioner within stipulated time frame fixed by this Court.



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For Petitioner : Mr.J.Joseph Zinson
For Respondents : Mr.V.Malaiyendran (R1)
Central Government Standing Counsel
Mr.K.Gnanasekaran (R2)
Government Advocate

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus calling for the records of the impugned notice in File No.MD2075781584323 passed by 1st respondent dated 01.06.2024 and quash the same and consequently to direct the 1st respondent to issue the passport to the petitioner within stipulated time frame fixed by this Court.”

2. The petitioner made an application, seeking for issuance of passport by producing all necessary documents. The first respondent passed the impugned order dated 01.06.2024 directing her to appear before the authority seeking explanation about the case registered against him in Crime No.239 of 2022 on the file of the 2nd respondent police. 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 second respondent on instructions would submit that a criminal case is registered by Thoothukudi Pudukottai Police Station in Crime No.239 of 2022 as against the petitioner. Thereafter, Crime No. 239 of 2022 has culminated in laying a charge sheet before the learned Judicial Magistrate No.III, Thoothukudi.

4. Heard the learned counsel on either side and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate No.III, Thoothukudi, 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 she 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



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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 and the impugned notice in File No.MD2075781584323 passed by 1st respondent dated 01.06.2024 passed by the first respondent is set aside. There shall be no order as to costs.

02.01.2025

NCC : Yes / No
Index : Yes / No
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TO:-

WEB COPY

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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.31343 of 2024

Dated
02.01.2025