



W.P.(MD).No.31106 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31106 of 2024

Murugan

... Petitioner

Vs.

1.The Union of India,
Rep. by its, the Regional Passport
Officer,
Regional Passport Office,
Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

... Respondents

*(R-2 is suo motu impleaded vide Court order dated
08.01.2025 in W.P.(MD)No.31106 of 2024.*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication in letter Ref. No. SCN/319358779/24, dated 29.08.2024 and quash the same as illegal and consequently direct the respondent to issue passport on the basis of the application file



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No. MD2076863126724 dated 20.08.2024 within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan
For R-1 : Mr.A.Srinivasan,
Central Government Standing counsel
For R-2 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed seeking to call for the records relating to the impugned communication in letter Ref. No. SCN/319358779/24, dated 29.08.2024 and quash the same as illegal and consequently direct the respondent to issue passport on the basis of the application file No. MD2076863126724 dated 20.08.2024.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.



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4.The petitioner was issued with a passport bearing Passport No.M7591546 on 16.03.2015 and the same is valid till 15.03.2025. Due to registration of FIR in crime No.267 of 2023 dated 28.05.2023, the respondent authority cancelled the petitioner's passport on 20.08.2024. Challenging the same, the present writ petition came to be filed.

5.When the matter was taken up for hearing, the learned Government Advocate Mr.K.Gnanasekaran, submitted that a crime in Crime No.267 of 2023 has culminated in laying a charge sheet in C.C.No.334 of 2023 on the file of the learned Judicial Magistrate, Radhapuram.

6.The petitioner is given liberty to move the trial Court / learned Judicial Magistrate, Radhapuram, 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



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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.

7. 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.

8. The writ petition is allowed on these terms. There shall be no order as to the costs.

30.01.2025

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



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L.VICTORIA GOWRI, J.

Sml

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