



W.P.(MD).No.30912 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30912 of 2024

Jeyaraj

... Petitioner

Vs.

1.The Regional Passport Officer,
Tiruchirapalli, New Municipal Complex,
Thillainagar, 7th Cross,
Tiruchirapalli.

2.The Inspector of Police,
District Crime Branch Police Station,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue a passport to the petitioner based on his application No. TR1067028753124 dated 16.10.2024 within the time stipulated by this Court.

For Petitioner : Mr.C.Suresh Kannan

For R-1 : Mr.K.Gokul,
Central Government Standing counsel

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



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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 to direct the 1st respondent to issue a passport to the petitioner based on his application No. TR1067028753124 dated 16.10.2024.

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

4.The petitioner applied for the issuance of a passport on 16.10.2024. On receipt of the petitioner's application, the 1st respondent issued a letter on 11.11.2024, requiring the petitioner to appear before them and give an explanation about the crime in Crime No.14 of 2016 on the file of the 2nd respondent police station. The petitioner explained that after investigation, the 2nd respondent laid a final report in C.C.No.228 of 2019 before the Judicial Magistrate No.1, Thanjavur. In view of the same, the petitioner's application for issuance of a passport is not acted upon so far. Hence, the present writ petition came to be filed.



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5.The petitioner is given liberty to move the trial Court, that is, the Judicial Magistrate No.1, Thanjavur, 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.

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.



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

03.01.2025

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

To

- 1.The Regional Passport Officer,
Tiruchirapalli, New Municipal Complex,
Thillainagar, 7th Cross,
Tiruchirapalli.
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L.VICTORIA GOWRI, J.

Sml

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