



W.P.(MD)No.31279 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.31279 of 2024

Thirumeninathan

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2.The Inspector of Police,
Karampakudi Police Station,
Pudukkottai District.

3.The Regional Passport Office,
O/o. Regional Passport Office,
Trichirappalli,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli – 620 018.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to issue passport to the petitioner by considering the petitioner's passport application No:TR1076764861724, dated 19.07.2024.

For Petitioner	: Mr.P.Pandia Rajan
For Respondents 1 & 2	: Mr.K.Gnanasekaran Government Advocate (Crl)
For 3 rd Respondent	: Mr.G.Rajaraman Central Government Standing Counsel



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ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 3rd respondent to issue passport to the petitioner by considering the petitioner's passport application No:TR1076764861724, dated 19.07.2024.”

2.The petitioner has made an application in File No.TR1076764861724, for issuance of passport. While so, on receipt of adverse police verification report, the 3rd respondent seeking clarification to the petitioner. The petitioner has also given his explanation to the 3rd respondent. However, no action was taken till now. Hence, this Writ Petition is filed.

3.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that Crime Nos.360 and 104 of 2021 were also pending as against the petitioner. Further Crime No.176 of 2021 has culminated in laying charge sheet before the learned Judicial Magistrate, Alangudi. But the same was not taken on file before the said Court.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2, the learned Central Government Standing Counsel for the 3rd respondent



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and carefully perused the entire materials available on record.

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5.The petitioner is given liberty to move the learned Judicial Magistrate Court, Alangudi, 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 learned 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 learned 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 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.



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7.This Writ Petition is allowed on these terms. There shall be no order as to costs.

06.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

- 1.The Judicial Magistrate, Alangudi.
- 2.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 3.The Inspector of Police,
Karampakudi Police Station,
Pudukkottai District.
- 4.The Regional Passport Office,
O/o. Regional Passport Office,
Trichirappalli,
New Municipal Complex,
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L.VICTORIA GOWRI, J.

Mrn

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