

W.P.(MD)No.31214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **06.01.2025**

CORAM:

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

W.P.(MD)No.31214 of 2024

Manickam

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Truchirappalli - 620 018.

2. The Inspector of Police,
Thirmayam Police Station,
Pudukottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to re-issue passport to the petitioner by considering his passport Application in File No.TR2076472562124 dated 22.04.2024 on the file of the first respondent by considering the representation dated 16.12.2024 given by the petitioner.



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For Petitioner : Mr.R.Maheswaran
For R-1 : Mr.Ponsenthil Kumaran
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl.)

ORDER

This writ petition has been filed to direct the 1st respondent to re-issue a new passport to the petitioner based on his application for issuance of Indian Passport dated 22.04.2024 in file No.TR2076472562124 on the file of the 1st respondent.

2. The petitioner has made an application in File No.TR2076472562124, seeking new passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication on 08.10.2024, 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 was registered by the second respondent under Sections 143, 283 and 341 of IPC and the same culminated in

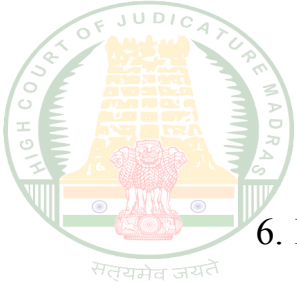


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laying a charge sheet in STC No.237 of 2024 before the learned District Munsif cum Judicial Magistrate Court, Thirumayam.

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 trial Court that is the District Munsif cum Judicial Magistrate Court, Thirumayam, 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 days 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.



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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.

06.01.2025

NCC : Yes / No
Index : Yes / No
jbr

Note: Issue order copy on 07.01.2025.

TO:-

1. The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Truchirappalli - 620 018.
2. The Inspector of Police,
Thirmayam Police Station,
Pudukottai District.



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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.31214 of 2024

Dated
06.01.2025