

W.P.(MD)No.31278 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.31278 of 2024

Neelakandan

... Petitioner

Vs.

1.The Regional Passport Office,
Regional Passport Office,
Trichirappalli.

2.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to issue passport to the petitioner by considering the petitioner's passport application in File No: TR1067088212724 dated 13.11.2024 and consequential explanation offered by the petitioner dated 30.11.2024.

For Petitioner	: Mr.Ramanujam M/s.Gandhi Associates
For 1 st Respondent	: Mr.P.Sundaravadivel Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)

ORDER

The prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the 1st



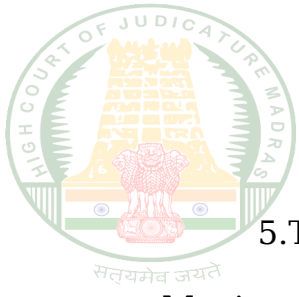
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respondent to issue passport to the petitioner by considering the petitioner's passport application in File No:TR1067088212724 dated 13.11.2024 and consequential explanation offered by the petitioner dated 30.11.2024."

2.The petitioner has made an application in File No.TR1067088212724, for issuance of passport. While so, on receipt of adverse police verification report, the 1st respondent had issued a communication dated 13.11.2024, required an explanation from the petitioner. The petitioner has also sent a representation to the respondent dated 30.11.2024. 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 No.1083 of 2020 has culminated in laying charge sheet before the learned Judicial Magistrate, Peravurani, Thanjavur District. But the same was not taken on file before the said Court.

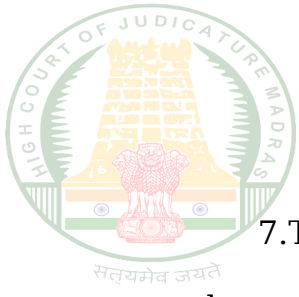
4.Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the 2nd respondent and carefully perused the entire materials available on record.



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5.The petitioner is given liberty to move the learned Judicial Magistrate Court, Peravurani, Thanjavur District, 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, Peravurani, Thanjavur District.
- 2.The Regional Passport Office,
Regional Passport Office,
Trichirappalli.
- 3.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.



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L.VICTORIA GOWRI, J.

Mrn

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