



W.P.(MD)No.31359 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.01.2025**

CORAM:

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

W.P.(MD)No.31359 of 2024

Mano Jegaselvan

... Petitioner

Vs.

1. The Regional Passport Authority,
Passport Office,
Bharathi Ula Street,
K.Pudur, Madurai.

2. The Assistant Passport Authority,
Passport Office,
Bharathi Ula Street,
K.Pudur, Madurai.

3. The Inspector of Police,
Eriodu Police Station,
Dindigul 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 a re-issued passport with a validity of ten years on the strength of the petitioner's Passport Application No. MD1077147730524 dated 25.11.2024 (Old Passport No.L4143880 issued on 13.09.2013) submitted before him as expeditiously as possible within the time stipulation as fixed by this Court.



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For Petitioner : Mr.R.Anand
For Respondents : Mr.C.Nandagopal (R1 & R2)
Central Government Standing Counsel
Mr.K.Gnanasekaran (R3)
Government Advocate

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus directing the 1st respondent to issue a re-issued passport with a validity of ten years on the strength of the petitioner's Passport Application No. MD1077147730524 dated 25.11.2024 (Old Passport No.L4143880 issued on 13.09.2013) submitted before him as expeditiously as possible within the time stipulation as fixed by this Court.”

2. The petitioner made an application, seeking for re-issuance of passport by producing all necessary documents. The first respondent issued a communication dated 05.12.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.49 of 2023 on the file of the 3rd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



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3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondent police on instructions would submit that criminal case in Crime No.49 of 2023 on the file of the 3rd respondent police was culminated in laying charge sheet in STC No. 727 of 2023 before the learned Judicial Magistrate, Vendasandur.

4. Heard the learned counsel on either side and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate, Vendasandur, 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 and 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 such 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 in India. If



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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.

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

02.01.2025

NCC : Yes / No
Index : Yes / No
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TO:-

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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.31359 of 2024

Dated
02.01.2025