



W.P.(MD)No.31438 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.31438 of 2024

Kiphans Subin

... Petitioner

Vs.

1. The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai.

2. The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to renew the petitioner's passport bearing No.M5585751 on the basis of the petitioner's passport renewal application in File No. MD 4076867223724 dated 21.08.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Muthu Malai Raja

For Respondents : Mr.G.Moovendran (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate



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ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, to direct the first respondent to renew the petitioner's passport bearing No.M5585751 on the basis of the petitioner's passport renewal application in File No. MD 4076867223724 dated 21.08.2024 within a stipulated time fixed by this Court.”

2. The petitioner made an application, seeking for issuance of passport by producing all necessary documents. The first respondent issued a communication dated 29.08.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.65 of 2021 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

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.65 of 2021 on the file of the 2nd respondent police has culminated in laying charge sheet in CC No. 340 of 2022 before the learned Judicial Magistrate No.III, Tirunelveli.



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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 No.III, Tirunelveli, 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 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.

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.31438 of 2024

Dated
02.01.2025