



W.P.(MD)No.31483 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.31483 of 2024

Balamurugan

: Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
Madurai Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.254 of 2023.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to re-issue passport to the petitioner based on the petitioners passport applications file no.MD1076989773724 dated 01.10.2024 as well as petitioners explanation dated 13.12.2024 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.G.Vidyamaheswaran

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to re-issue the passport of the petitioner based on his application No.MD1076989773724, dated 01.10.2024.

2. The petitioner has made an application in File No. MD1076989773724, seeking re-issuance of a passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication to the petitioner, 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. side) appearing for the second respondent on instructions would submit that FIR in



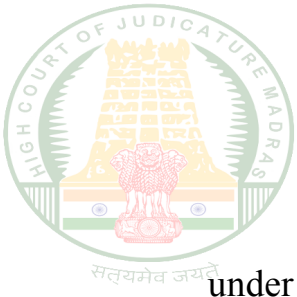
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Crime No.254 of 2023 was registered by the second respondent under Sections 294(b), 323 IPC read with Sections 294(b), 323 and 325 of IPC and the same has culminated in laying a charge sheet in CrI.MP.No.328 of 2025 before the Judicial Magistrate Court No.II, Ramanathapuram.

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

5. The petitioner is given liberty to move the Judicial Magistrate Court No.II, Ramanathapuram, 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 trial Court unless there are extraordinary circumstances shall not deny the said 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



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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 the above terms. There shall be no order as to the costs.

04.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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