



W.P.(MD)No.31519 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.31519 of 2024

Jayamurugan

... Petitioner

Vs.

1. The Regional Passport Officer,
O/o. Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli 620 018.

2. The Inspector of Police,
Madipakkam Police Station,
Chennai City,
(Crime No. 55/2022).

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order dated 12.11.2024 vide Letter Ref. No. OBJ/319968975/24 passed by the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to consider the petitioner's application No. TR2076826564324 dated 08.08.2024 and to re-issue passport to the petitioner in Passport No. B2700003.



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For Petitioner : Mr.P.Balamurugan
For Respondents : Mr.K.Sankararaman (R1)
Central Government Standing Counsel
Mr.K.Gnanasekaran (R2)
Government Advocate

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order dated 12.11.2024 vide Letter Ref. No. OBJ/319968975/24 passed by the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to consider the petitioner's application No. TR2076826564324 dated 08.08.2024 and to re-issue passport to the petitioner in Passport No. B2700003.”

2. The petitioner is the holder of passport No. B2700003 from 12.12.2000. On 08.08.2024, the petitioner made an application, seeking re-issuance of passport by producing all necessary documents. The first respondent passed the impugned order dated 12.11.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.55 of 2022 on the file of the 2nd 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 second respondent on instructions would submit that a criminal case is registered in Crime No.55 of 2022 as against the petitioner. Thereafter, Crime No. 55 of 2022 has culminated in laying a charge sheet in SC No.156 of 2022 before the learned Principal District Judge, Chengalpattu.

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 Principal District Judge, Chengalpattu, 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



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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.

7. This Writ Petition is allowed on these terms and the impugned order dated 12.11.2024 vide Letter Ref. No. OBJ/319968975/24 passed by the 1st respondent is set aside. There shall be no order as to costs.

02.01.2025

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

WEB COPY

1. The Regional Passport Officer,
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2. The Inspector of Police,
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WEB COPY



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L.VICTORIA GOWRI, J.

Sm

Order made in
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Dated
02.01.2025