



W.P.(MD)No.31482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

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

W.P.(MD)No.31482 of 2024

Aynul Yakheen Ibrahim

... Petitioner

Vs.

1. The Regional Passport Officer,
Madurai Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

2. The Commissioner of Police,
Madurai City,
Alagarcoil Main Road,
Madurai.

3. The Inspector of Police,
C1, Thideernagar Police Station,
Madurai City,
Madurai 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 renew and re-issue the passport to the petitioner in his application vide File No. MD1077171654524 dated 02.12.2024 pending on the file of the 1st respondent within a time stipulated.



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For Petitioner

: Mr.K.P.Krishna Doss

For Respondents

: Mr.K.Maharajan (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2 & R3)

Government Advocate (Crl. side)

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ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to renew and re-issue the passport to the petitioner in his application vide File No. MD1077171654524 dated 02.12.2024 pending on the file of the 1st respondent within a time stipulated.”

2. The petitioner is the holder of passport No.Z4045513, which is likely to expire on 04.10.2026. In the meanwhile, the papers enclosed in the passport have exhausted on stamping of visa due to the petitioner's frequent travel. On 02.12.2024, the petitioner made an application, seeking re-issuance of passport by producing all necessary documents. The first respondent issued a communication dated 10.12.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.82 of 2022 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.82 of 2022 has culminated in laying charge sheet in SC No.90 of 2023 before the learned Additional Judicial Magistrate No.I, Madurai.

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 respondent police and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Additional Judicial Magistrate No.I, Madurai. 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



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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.

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

09.01.2025

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.31482 of 2024

Dated:
09.01.2025