



W.P.(MD).No.27 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27 of 2025

K.Senthilrajan

.. Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Claret Plaza, Melakkal Main Road,
Kochadai, Madurai 625 016.

2.The Inspector of Police,
Thirunagar Police Station,
Madurai City-625 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to renew the petitioner's passport bearing Passport No. K8616753 based on the petitioner application vide No. MD1077112859924 within the time stipulated by this Court.

For Petitioner	: Mr.B.Karuppasamy
For R-1	: Mr.R.Senthil Kumar, Central Government Standing counsel
For R-2	: Mr.K.Gnanasekaran, Government Advocate, (Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at

the admission stage itself.

<https://www.mhc.tn.gov.in/judis>



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2.This writ petition is filed to direct the 1st respondent herein to renew the petitioner's passport bearing Passport No. K8616753 based on the petitioner application vide No. MD1077112859924.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The petitioner applied for re-issuance of a passport on 23.11.2024 before the 1st respondent. The 1st respondent sought for clarification with regard to the pendency of a criminal case pending at Thiru Nagar, Madurai in Crime No.344 of 2023 for offences under Sections 294(b), 323, 324, 506(2) r/w Section 4 of the Tamilnadu Prohibition of Women Harassment Act. The petitioner explained that after conducting an investigation, the 2nd respondent had laid a charge sheet before the (*)learned Judicial Magistrate No.VI, Madurai, in C.C.No.158 of 2024 and the same is pending jurisdiction. In view of the same, the petitioner's application is not acted upon so far. Hence, the present writ petition came to be filed.

5.The petitioner is given liberty to move the trial Court 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.



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Therefore, the trial Court unless there are extraordinary circumstances shall not deny 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 under Section 228 of BNSS, 2023 by executing a special vakalat.

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

Sd/-

03.01.2025

(*)Corrected as per order of this Court dated 04/03/2025 made in WP(MD)No.27 of 2025.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Mrn



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To

(*)To be substituted to the order already despatched on 27/02/2025

1.The Judicial Magistrate No.VI,
Madurai.

2.The Regional Passport Officer,
Regional Passport Office,
Claret Plaza, Melakkal Main Road,
Kochadai, Madurai 625 016.

3.The Inspector of Police,
Thirunagar Police Station,
Madurai City-625 006.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-13996[F] dated 04/03/2025)

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-127[F] dated 03/01/2025)

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BV (18/02/2025) 4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

SL(05.03.2025)/ 4P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.