



WP(MD)No.5738 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.5738 of 2023

Jeevanandhakumar

.. Petitioner

v.

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

2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Cr.No.44/2022

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to grant permission to the petitioner bearing passport number T0707256 to travel abroad based on the VISA issued by the Kuwait Government in respect of the first respondent's notice in file number MD1086755531923 dated 28.02.2023.



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For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.P.Paul Pandi,
Central Government Standing Counsel
for R.1

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
for R.2

ORDER

The petitioner has filed this writ petition that the respondents are not permitting him to go abroad for the purpose of his employment.

2.The case of the petitioner is that he is having a passport issued by the first respondent, valid upto 2028 and has also obtained a Visa issued by the Kuwait Government. However, with a grievance that the second respondent Police is not permitting him to go abroad, the petitioner has filed this writ petition for a mandamus directing the respondents to grant permission to the petitioner to travel abroad.

3.Learned Central Government Standing Counsel appearing for the first respondent / Passport Authority submitted that after issuance of passport and if



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the petitioner is having a valid Visa, there cannot be any bar for the petitioner to travel abroad.

4.Learned Government Advocate (Crl. Side) appearing for the second respondent / Police submitted that after the issuance of the passport, the petitioner has involved in a case in Crime No.44 of 2022 for the offence u/s. 352, 506(i), 435 IPC, on the file of the Paramakudi Town Police Station, Ramanathapuram. Therefore, this involvement of the petitioner in the criminal case was duly communicated to the first respondent / Passport Authority. He further submitted that the second respondent Police is not having any objections for the petitioner to travel abroad.

5.This Court considered the rival submissions made on either side.

6.A criminal case has been registered on the file of the Paramakudi Town Police Station and citing the same, the first respondent has issued a notice to the petitioner to show cause as to why the criminal case was suppressed at the time of making the application for passport.



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7.Pendency of an FIR, by itself, cannot be a ground to refuse the passport.

The Passport Authority can refuse the passport and any travel documents under Section 6 of the Passport Act, 1967. But, the petitioner herein was already issued with a passport and it is valid upto 2028. If the petitioner is having a valid passport and with a valid Visa, unless or otherwise a look-out notice is issued as against him, there is no bar for the petitioner to travel abroad.

8.The writ petition is misconceived and the same is accordingly dismissed. It is for the petitioner to respond to the show cause notice issued by the first respondent. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

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