



W.P.(MD).No.16469 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16469 of 2024

Amjath Khan

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirapalli-620 018.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai.

3. The Inspector of Police,
Mimisal Police Station,
Pudukkottai District. Cr.No.260/2020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining the impugned notice in Letter Ref.No.SCN/318116777/24 dated 31.05.2024 passed by the respondent no.1 and quash the same and illegal consequently directing the respondent No.1 to issue the passport to the



W.P.(MD).No.16469 of 2024

petitioner forthwith based on his application in file No.TR2076321287924 dated 04.03.2024.

For Petitioner : Mr. A.Mohamed Riyaz

For Respondents : Mr.K.Maharajan (R1)
Central Government Standing Counsel

Mr.K.Gnanasekaran (R2 & R3)
Government Advocate (Crl.Side)

ORDER

The present writ petition has been filed challenging the impugned notice in Letter Ref.No.SCN/318116777/24 dated 31.05.2024 passed by the respondent no.1 and consequently, directing the respondent No.1 to issue the passport to the petitioner forthwith based on his application in file No.TR2076321287924 dated 04.03.2024.

2.Heard, the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent and the learned Government Advocate (Crl.Side) appearing for the respondents 2 and 3. Perused the materials on record.



W.P.(MD).No.16469 of 2024

WEB COPY

3.It is submitted by the learned counsel for the petitioner that the petitioner had applied for passport in application No.TR2076321287924 dated 04.03.2024. On receipt of his application, the 1st respondent had sent a clarification requiring the explanation of the petitioner for they had received an adverse report from the third respondent, that a criminal case is pending against the petitioner in Cr.No.260 of 2020 on the file of third respondent. On 22.06.2024, the petitioner has submitted his explanation.

4.The learned Government Advocate (Crl.Side) appearing for the respondents 2 and 3 submitted that the said crime in Cr.No.260 of 2020, after completion of investigation has culminated in filing of a final report by the third respondent before the learned Judicial Magistrate, Manamelkudi, Pudukottai District and the same is not taken on file.

5.In *W.A.No.902 of 2023, dated 02.06.2023*, the Hon'ble Division Bench of this Court has observed that a person cannot travel abroad without the permissions of the Court where the criminal case is pending and the same would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if a person has to travel



W.P.(MD).No.16469 of 2024

abroad and a criminal case is pending, then unless the Magistrate or the Sessions Court, where the criminal case is pending permits the person to travel abroad, he cannot travel abroad. The relevant portion is extracted hereunder:

“The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.”

6.The said case relates to renewal of the passport. The 1st respondent shall bear in mind that right to travel abroad is a fundamental right. Therefore, the 1st respondent unless there are extraordinary circumstances shall not deny relief.

8.Fully fortified by the Judgment of the Hon'ble Division Bench of this Court in W.A.No.902 of 2023, this Court hereby direct the first respondent to process the application of the petitioner for issuance of passport without insisting for permission of the Court, where a criminal case is pending against



W.P.(MD).No.16469 of 2024

WEB COPY

the petitioner. If the petitioner is travelling abroad, then the petitioner would be required to seek permission from the Court where the criminal case is pending.

9. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

18.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirapalli-620 018.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai.

3. The Inspector of Police,
Mimisal Police Station,
Pudukkottai District. Cr.No.260/2020.



WEB COPY



W.P.(MD).No.16469 of 2024

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.16469 of 2024

18.11.2024