



W.P.(MD)No.25210 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.25210 of 2024

Indira

... Petitioner

Vs.

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

2.The Inspector of Police,
Koodal Pudhur Police Station,
Madurai City.

3.The Inspector of Police,
Alanganallur Police Station
(R3 is suo motu impleaded vide
Court order dated 04.11.2024,
in W.P.(MD)No.25210 of 2024)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned clarification under Letter Ref.No.SCN/317238709/24, dated 02.03.2024, issued by the 1st respondent and to quash the same as unwarranted and unlawful and further to direct the 1st respondent to issue passport under File No.MD1066281005724 to the petitioner.



W.P.(MD)No.25210 of 2024

For Petitioner : Mr.M.Thiyagarajan
For 1st Respondent : Mr.K.Kuttalanthan
Central Government Standing Counsel
For Respondents 2 & 3 : Mr.Gnanasekaran,
Government Advocate (Crl.)

WEB COPY

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned clarification under Letter Ref.No.SCN/317238709/24, dated 02.03.2024, issued by the 1st respondent and to quash the same as unwarranted and unlawful and further to direct the 1st respondent to issue passport under File No.MD1066281005724 to the petitioner.”

2.The petitioner has made an application to the first respondent, seeking re-issuance of passport and the same was taken on file in MD1066281005724. While so, on receipt of adverse police verification report, the 1st respondent vide impugned communication dated 02.03.2024, required clarification from the petitioner. Challenging the same, the Writ Petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl.) for the respondents 2 and 3 on instructions would submit that a Crime No.144 of 2013 under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Act and Section 506(i) of IPC, has been registered as against the petitioner and the same has



W.P.(MD)No.25210 of 2024

culminated in filing of the final report before the learned Judicial Magistrate No.IV, Madurai and subsequently, the same has been transferred to the learned Judicial Magistrate, Vadipatti on 09.01.2017 and the same has not taken on the file of the concerned Judicial Magistrate so far.

4.Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the learned Government Advocate (Crl.) for the 2nd respondent and carefully perused the entire materials available on record.

5.In Writ Appeal No.902 of 2023 (The Regional Passport Officer Vs Samsudeen Mohamed Salih & Another) dated 02.06.2023, the Hon'ble Division Bench of this Court has observed that a person cannot travel abroad without the permission 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 abroad and a criminal case is pending, then unless the Magistrate or Sessions Court where the criminal case is pending permits the person to travel abroad, he cannot travel abroad. The relevant portion is extracted here under:

“The writ appellants shall process the application of the first respondent for renewal of passport without insisting for



W.P.(MD)No.25210 of 2024

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.”

The said case also relates to renewal of passport. In the instant case, the application of the petitioner is for issuance of passport.

6.In view of the aforesaid observation, 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 the criminal case is pending against the petitioner. However, it is needless to state that if the petitioner is travelling abroad, then the petitioner would be required to seek permission from the Court where the criminal case is pending.

7.With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

12.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



WEB COPY



W.P.(MD)No.25210 of 2024

To

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 2.The Inspector of Police,
Koodal Pudhur Police Station,
Madurai City.
- 3.The Inspector of Police,
Alanganallur Police Station,
Madurai.



WEB COPY



W.P.(MD)No.25210 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.25210 of 2024

12.11.2024