



W.P.(MD).No.25729 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.25729 of 2024

Kamila Banu

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanniyakumari District.
In Crime No.47 of 2021.

... 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 to renew the petitioner's passport bearing No.L1186981 vide Passport Application ARN No.23-2003004588 for a validity of 4 years.

For Petitioner : Mr.M.Seeni Sulthan

For R-1 : Mr.A.Srinivasan,
Central Government Standing Counsel

For R-2 : Mr.K.Gnanasekaran,
Government Advocate (Criminal side)



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ORDER

This writ petition has been filed to direct the 1st respondent to renew the petitioner's passport bearing No.L1186981 vide Passport Application ARN No.23-2003004588 for a validity of 4 years.

2. Heard, Mr.M.Seeni Sulthan, learned counsel appearing for the petitioner, Mr.A.Srinivasan, learned Central Government Standing Counsel appearing for R-1, Mr.K.Gnanasekaran, learned Government Advocate (Criminal side) appearing for R-2 and carefully perused the materials available on record.

3. The petitioner's passport bearing No.L1186981 got expired and she made an application vide ARN No.23-2003004588 for the renewal of her passport. However, the petitioner's application was not processed by citing the criminal case in Crime No.47 of 2021 on the file of the 2nd respondent which has been registered against the petitioner and the same has culminated in filing of a final report in C.C.No.285 of 2024 before the learned Judicial Magistrate, No.1, Nagercoil.



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4. 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 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.”

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

5. In view of the aforesaid observation, this Court hereby direct the first respondent to process the application of the petitioner for renewal of passport without insisting for permission of the Court where the criminal



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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.

6. With the above directions, this writ petition is disposed of. No costs.

04.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Regional Passport Officer,
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Race Course Road,
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2.The Inspector of Police,
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L.VICTORIA GOWRI, J.

Sml

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