



W.P.(MD)No.26072 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26072 of 2024
and
W.M.P.(MD)No.22101 of 2024

Ahil Arul Sakayam

... Petitioner

Vs.

1.The Passport Authority,
Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai & District.

2.State Rep. By,
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

... 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 of the impugned letter issued by the first respondent in File No.MD207698761524 dated 15.10.2024 and quash the same as illegal and consequently direct the first respondent to renew/re-issue the petitioner's passport bearing No.L2324393 by considering his re-issue application No.24-1011808795 dated 27.09.2024.

For Petitioner

: Mr.R.Murugan

For 1st Respondent

: Mr.D.Deepa

Central Government Standing Counsel



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For 2nd Respondent : Mr.K.Gnanasekaran
Government Advocate (Crl)

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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the records of the impugned letter issued by the first respondent in File No.MD207698761524 dated 15.10.2024 and quash the same as illegal and consequently direct the first respondent to renew/re-issue the petitioner's passport bearing No.L2324393 by considering his re-issue application No. 24-1011808795 dated 27.09.2024.”

3.The petitioner has made an application for re-issuance of passport, which are expired on 17.06.2023 and the application Number is 24-1011808795. The first respondent on scrutiny of the petitioner's application for renewal of passport had issued a impugned letter dated 15.10.2024, stating that an adverse report has been received pertaining to his application and directed the petitioner to give suitable explanation. Challenging the same, this Writ Petition came to be filed.

4.When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the second



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respondent submitted that FIR in Crime No.663 of 2021 was registered by Eraniel Police Station under Sections 379 of IPC and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 and the same has culminated in laying a charge sheet in C.C.No.72 of 2024 on the file of Judicial Magistrate No.I, Eraniel.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondent and carefully perused the entire materials available on record.

6.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



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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.

7.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 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.

8.Accordingly, with the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

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



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To

- 1.The Judicial Magistrate No.II, Eraniel.
- 2.The Passport Authority,
Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai & District.
- 3.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.



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L.VICTORIA GOWRI, J.

Mrn

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