



W.P.(MD).No.26369 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.26369 of 2024

Saravanan Rajendran

... Petitioner

Vs

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

2. The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

3. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

... 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 Renewal a passport based upon the petitioner's passport in application File No.TR1076948531924 dated 19.09.2024 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr. P.Murughadasan
For Respondents : Mr.K.Murali (R1)
Central Government Standing Counsel
Mr.K.Gnanasekaran (R2)
Government Advocate (Crl.Side)

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to renewal of a passport based upon the petitioner's passport in application File No.TR1076948531924, dated 19.09.2024.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.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 second respondent. Perused the materials on record.

4.It is submitted by the learned counsel for the petitioner that the petitioner had made an application to renew his passport



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No.TR1076948531924, which is likely to expire on 09.03.2025. The petitioner has moved the application as early as on 19.09.2024, ie., even before the expiry of his passport. However, the petitioner had received a show-cause notice, dated 08.10.2024 from the first respondent requiring clarification on the adverse police verification report received from the first respondent stating that a case in Cr.No.796 of 2023 has been registered against him on the file of second respondent. The petitioner has submitted his explanation before the first respondent on 14.10.2024.

5. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the case of ***W.Jaihar William Vs State of Tamil Nadu*** reported in **2014 (2) CWC 684** has held that mere pendency of FIR cannot be construed as pendency of criminal proceedings, unless jurisdictional Judicial Magistrate takes cognizance of the offence, on filing of charge sheet, on completion of investigation against the accused. No doubt, right to travel abroad is a fundamental right.



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6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner to renew his passport without reference to the FIRs lodged against him and issue renewed passport if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

04.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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