



W.P(MD)No.26225 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26225 of 2024

and

W.M.P(MD)No.22228 of 2024

A.Shajahan

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
New Municipal Complex,
Tiruchirappalli – 620 018.

2.The Sub Inspector of Police,
Manamelkudi Police Station,
Manamelkudi Taluk,
Pudukkottai District.

... 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 of the first respondent's impugned communication No.OBJ/319725771/24 dated 14.10.2024 and quash the same and consequently direct the first respondent to renewal of the petitioner's passport bearing No.M0798985 to the petitioner by considering the



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petitioner's application in File No.TR1076852463524 dated 16.08.2024
and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.G.Rajaraman
Central Government Standing Counsel
for R.1

Mr.K.Gnana Sekaran
Government Advocate (Criminal Side)
for R.2

ORDER

This Writ Petition has been filed challenging the first respondent's communication No.OBJ/319725771/24 dated 14.10.2024 and direct the first respondent to renew the petitioner's passport bearing No.M0798985 by considering the petitioner's application in File No.TR1076852463524 dated 16.08.2024 and issue passport to the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent, the learned Government Advocate (Criminal Side) appearing for the second respondent and carefully perused the entire materials available on record.



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3. The petitioner's passport bearing No.M0798985 expired on 08.08.2024. In view of the same, the petitioner filed an online application in File No.TR1076852463524 dated 16.08.2024 for the purpose of renewing his passport. However, the first respondent without renewing the same had sent a communication letter in Letter No. OBJ/319725771/24 dated 14.10.2024 requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from Manamelkudi Police Station in Crime No.65 of 2019 for the offences under Sections 379, 511 of IPC, 21(1) and 21(2) of Mines and Minerals (Development & Regulation) Act, 1957 and Crime No.551 of 2020 for offences under Section 4A(1a) of TN Open Places (Prevention of Disfigurement) Act, 1959 which are registered as against the petitioner. Challenging the said communication dated 14.10.2024, this Writ Petition came to be filed.

4. 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



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construed as pendency of criminal proceedings, unless Judicial Magistrate takes cognizance of offence, on filing of charge sheet on completion of investigation against the accused. Right to travel abroad is a fundamental right.

5. 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.

6. With the above directions, this Writ Petition stands allowed. 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/ No
MGA

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L.VICTORIA GOWRI, J.

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