



W.P.(MD).No.26172 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.26172 of 2024

Sarojini

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross Street,
Tiruchirappalli District.

2. The State Represented by
The Inspector of Police,
Paravakottai Police Station,
Tiruvarur 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 issue Passport based on the petitioner's Application No. TR1077009807924, dated 09.10.2024.

For Petitioner : Mr. S.Sathyachidambaram

For Respondents : Mr.A.Srinivasan (R1)
Central Government Standing Counsel



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Mr.K.Gnanasekaran (R2)
Government Advocate (Crl.Side)

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to issue Passport based on the petitioner's Application No. TR1077009807924, dated 09.10.2024.

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 applied for passport to her in application No.TR1077009807924, on 09.10.2024. On receipt of her application, the second respondent had sent a



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report stating that a criminal case is pending against the petitioner in Cr.No.169 of 2021 on the file of second respondent. Therefore, the first respondent sent a notice to the petitioner seeking explanation and produce the relevant documents on 21.10.2024, following which, on 24.10.2024 the petitioner had sent explanation to the first respondent. However, the first respondent has not issued passport to the petitioner. Hence, this writ petition has been filed.

5.The learned counsel for the petitioner submitted that in Cr.No. 169 of 2021, after completion of investigation, the second respondent has filed a final report before the I Additional District and Sessions Court, Thiruvarur in S.S.C.No.2 of 2022.

6.The learned Government Advocate (CrI.Side) appearing for the second respondent conceded that the charge sheet has already been filed on the file of I Additional District and Sessions Court, Thiruvarur.

7.In *W.A.No.902 of 2023, dated 02.06.2023*, the Hon'ble Division Bench of this Court has observed that a person cannot travel abroad without the permissions of the Court where the criminal case is pending and the same



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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 the criminal case is pending, then unless the Magistrate or the Sessions Court, where the criminal case is pending permits the person to travel abroad, he cannot travel abroad. The relevant portion is extracted hereunder:

“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.”

8.The said case also relates to renewal of the passport. The 1st respondent shall bear in mind that right to travel abroad is a fundamental right. Therefore, the 1st respondent unless there are extraordinary circumstances shall not deny relief.

9.Fully fortified by the Judgment of the Hon'ble Division Bench of this Court in W.A.No.902 of 2023, this Court hereby direct the first respondent



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to process the application of the petitioner for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the petitioner. If the petitioner is travelling abroad, then the petitioner would be required to seek permission from the Court where the criminal case is pending.

10. With the above direction, 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
1. The Regional Passport Officer,
Regional Passport Office,
Barathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Inspector of Police,
Melur Police Station,
Madurai District.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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