



W.P.(MD)No.26350 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.26350 of 2024

N.Sugadev

... Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office,
Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to renew the petitioner's passport bearing No. J7692569 to the petitioner by considering his application in File No.24-1012523349 dated 23.10.2024 and for other reliefs within a period stipulated by this Court.



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For Petitioner

: Mr.S.Atham Ali

For Respondents

: Mr.S.Muthukumar (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate

ORDER

Mr.S.Muthukumar, learned Central Government Standing Counsel takes notice for the first respondent. Mr.K.Gnanasekaran, learned Government Advocate takes notice for the second respondent. 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 Mandamus, direct the 1st respondent to renew the petitioner's passport bearing No. J7692569 to the petitioner by considering his application in File No.24-1012523349 dated 23.10.2024 and for other reliefs within a period stipulated by this Court.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.



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4. The petitioner earlier applied for issuance of passport. On receipt of the same, the first respondent issued a letter directing him to appear before the authority seeking explanation about the case registered against him in Crime No.1936 of 2020 on the file of the 2nd respondent police. However, since the petitioner did not respond to the same, the first respondent issued a letter dated 06.12.2023 closing his application. The petitioner again applied for issuance of passport vide his application in No.24-1012523349 on 23.10.2024. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

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 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.

6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner to issue his passport without reference to the



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FIRs lodged against him, 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 allowed. There shall be no order as to costs.

10.01.2025

NCC : Yes / No
Index : Yes / No
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2. The Inspector of Police,
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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.26350 of 2024

Dated
10.01.2025