



W.P.(MD)No.26617 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26617 of 2024

Mathiyalagan

... Petitioner

Vs.

1.The Regional Passport Officer,
Tiruchirappalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620018
Tamil Nadu.

2.The Inspector of Police,
DCB Police Station,
Thiruvarur District.

3.The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to issue passport to the petitioner by considering his passport application in File No.TR1076975945724.

For Petitioner	: Mr.K.R.Bharath Kannan
For 1 st Respondent	: Mr.G.Vidhya Maheswaran
	Standing Counsel
For Respondents 2 & 3	: Mr.K.Gnanasekaran
	Government Advocate (Crl)



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ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to issue passport to the petitioner by considering his passport application in File No.TR1076975945724.”

2.The petitioner has made an application for re-issuance of passport, which expired on 18.05.1991 and the application Number is TR1076975945724. However, the first respondent without renewing the same, had sent a communication dated 21.10.2024, requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from the second and third respondents as against the petitioner. Hence, the Writ Petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the second respondent submitted that FIR in Crime No.5 of 2017 was registered by District Crime Branch, Thiruvarur, for the offences under Sections 468, 471 and 420 of IPC, FIR in Crime Nos.163 of 2023 and 74 of 2018 were registered by Nannilam Police Station for the offences under Sections 143, 269, 271 and 283 of IPC and Sections 143, 188 and 341 of IPC respectively and the same have been culminated in laying a charge sheet but the same has not been taken on file.



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4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the 2nd respondent and carefully perused the entire materials available on record.

5. 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 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



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application of the petitioner is for renewal of passport.

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6.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.

7.With the above directions, this Writ Petition stands disposed of.
There shall be no order as to costs.

12.11.2024

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



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L.VICTORIA GOWRI, J.

Mrn

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