



W.P.(MD).No.26340 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.26340 of 2024

Raja Hariharan

... Petitioner

Vs

1. The Regional Passport Officer,
Office of the Regional Passport,
Bharathi Ula Veedhi,
Race Course Road,
Madurai.

2. The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai 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 a re-issued passport on the strength of the petitioner's passport application No.MD5076157023124 submitted before him as expeditiously as possible within the time as fixed by this Court.

For Petitioner : Mr. R.Anand

For Respondents : Mr.S.Pon Senthilkumar (R1)
Central Government Standing Counsel

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



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ORDER

The present writ petition has been filed seeking a directing the 1st respondent to re-issue passport on the strength of the petitioner's passport application No.MD5076157023124.

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 reissuance of passport vide Application No.MD5076157023124. The first respondent has sent a show-cause notice, dated 10.09.2024 stating that a criminal case is pending against the petitioner in



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Cr.No.377 of 2023, on the file of second respondent. In this regard, the petitioner has submitted a explanation to the first respondent.

5.The learned counsel for the petitioner further submitted that in Cr.No.377 of 2023, after completion of investigation, the second respondent has filed a final report before the learned Judicial Magistrate No.1, Sivagangai in C.C.No.15 of 2024.

6.The learned Government Advocate (Crl.Side) appearing for the second respondent conceded that the charge sheet has already been filed on the file of the learned Judicial Magistrate No.1, Sivagangai.

7.In *W.A.No.902 of 2023, dated 02.06.2023*, the 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 the criminal case is pending, then unless the Magistrate or the Sessions Court



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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. In the present case also, application of the petitioner is for renewal of the passport.

9.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 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.



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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

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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