



W.P.(MD)No.26416 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26416 of 2024

Kajamydeen

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent no.1 for reissue the petitioner's passport in Passport No.M7752097 by processing the file in File No.MD2076992124524 dated 03.10.2024 pending on the file of the respondent no.1 in accordance with law.

For Petitioner	: Dr.R.Alagumani
For 1 st Respondent	: Mr.V.Mahendran Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final



W.P.(MD)No.26416 of 2024

disposal at the stage of admission itself.

WEB COPY

2.The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondent no.1 for reissue the petitioner's passport in Passport No.M7752097 by processing the file in File No.MD2076992124524 dated 03.10.2024 pending on the file of the respondent no.1 in accordance with law.”

3.The petitioner has made an application for re-issuance of passport, which is about to expire on 23.03.2025 and the application Number is MD2076992124524. However, the first respondent without renewing the same, had sent a communication letter dated 14.10.2024, requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from Melapalayam Police Station in Crime No.768 of 2020 for the offences under Sections 147, 448, 427 and 506(ii) of IPC, which is registered as against the petitioner. Hence, the Writ Petition came to be filed.

4.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.768 of 2020 was registered by Melapalayam Police Station on 18.07.2020 under Sections 147, 448, 427 and 506(ii) of IPC and the same has culminated in laying a charge



W.P.(MD)No.26416 of 2024

sheet but the same has not been taken on file.

WEB COPY

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

6. 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.”



W.P.(MD)No.26416 of 2024

The said case also relates to renewal of passport. In the instant case, the application of the petitioner is for renewal of passport.

7. 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.

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

11.11.2024

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



WEB COPY



W.P.(MD)No.26416 of 2024

To

- 1.The Regional Passport Officer,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai.
- 2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.



WEB COPY



W.P.(MD)No.26416 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.26416 of 2024

11.11.2024