



W.P(MD)No.26571 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26571 of 2024

Suresh

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli – 620 018.

2.The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai 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 first respondent to issue Passport to the petitioner by processing the petitioner's application in File No.TR1076796388924 based on the explanation / representation dated 29.10.2024 within a time limit stipulated by this Court.



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For Petitioner : Mr.B.Anandan

For Respondents : Mr.K.Sankararaman
Central Government Standing Counsel
for R.1

Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
for R.2

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct first respondent to issue Passport to the petitioner by processing the petitioner's application in File No.TR1076796388924 based on the explanation / representation dated 29.10.2024.

2.Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent, the learned Government Advocate (Criminal Side) appearing for the second respondent and carefully perused the entire materials available on record.



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3. The petitioner made an application before the first respondent for issuance of passport through online on 30.07.2024. On receipt of the same, the first respondent assigned a File No.TR1076796388924. After verification, the petitioner's application was kept pending. Hence, the petitioner verified the status of his application and came to know that the application has been suspended for police investigation as per Pudukkottai Police Station in Crime No.27 of 2024. The first respondent had sent a letter to the petitioner requiring the petitioner to appear before the office of the first respondent with necessary explanation. On receipt of the same, the petitioner has promptly responded by submitting an explanation dated 29.10.2024 and the same has been received by the first respondent. Even thereafter the passport has not been issued to the petitioner. Hence, this 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.27 of 2024 was registered by Manamelkudi Police Station on 06.02.2024 under Sections 8 and 9 of the



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Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021) and the same has culminated in laying a charge sheet on the file of Judicial Magistrate, Manamelkudi, Pudukkottai District, however, the same has not been taken to the file of the said Court.

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



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*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 application of the petitioner is for issuance of passport.

6. In view of the aforesaid observation, this Court hereby direct the fourth respondent to process the application of the petitioner for issuance 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. Accordingly, with the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

13.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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L.VICTORIA GOWRI, J.

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