



W.P(MD)No.26803 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26803 of 2024

R.Radha Krishnan

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

3.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari 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 herein to issue passport to the petitioner by considering his Application in File No.MD20770076641124 pending before him on the basis of the petitioner's explanation made before the 1st respondent herein



W.P(MD)No.26803 of 2024

by RPAD dated 22.10.2024.

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For Petitioner : Mr.B.Brijesh Kishore

For 1st Respondent: Mr.S.Karthick

Standing Counsel

For Respondents 2 & 3: Mr.K.Gnana Sekaran

Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed, to direct the first respondent to issue the passport to the petitioner by considering the petitioner's Application File No.MD20770076641124, on the basis of the petitioner's explanation made before the 1st respondent herein by RPAD dated 22.10.2024.

2.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the first respondent, the learned Government Advocate (Criminal Side) appearing for the respondents 2 and 3 and carefully perused the entire materials available on record.

3.The petitioner's passport bearing File No.F4644889, which was issued to him on 06.09.2005 got expired on 05.09.2015. Following which, the petitioner made an application for renewal of his passport on



W.P(MD)No.26803 of 2024

08.10.2024. The said application was taken on file No.MD20770076641124 by the first respondent. The first respondent sought for Police Verification of the petitioner before the 2nd respondent. The 1st respondent on receipt of police verification report from the respondents 2 and 3, had sent a letter dated 16.10.2024, to the petitioner that he had received adverse police verification report and also directed the petitioner to appear before him with all original documents. On receipt of the letter, the petitioner has made a detailed explanation before the 1st respondent by RPAD dated 22.10.2024, setting out all the facts. However, the explanation was not considered so far and the application is kept pending. Challenging the same, 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 respondents submitted that FIR in Crime No.389 of 2019 was registered by Thiruvattar Police Station under Sections 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and the same has culminated in laying a charge sheet in C.C.No.227 of 2024 on the file of



W.P(MD)No.26803 of 2024

Judicial Magistrate No.II, Padmanabhapuram and FIR in Crime No.164 of 2023 was registered by Thuckalay Police Station on 13.04.2023 under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 as against the petitioner.

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



W.P(MD)No.26803 of 2024

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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 renewal of passport.

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.Accordingly, with the above direction, 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/ No
Mrn

5/6



W.P(MD)No.26803 of 2024

L.VICTORIA GOWRI, J.

Mrn

To

- 1.The Judicial Magistrate No.II, Padmanabhapuram.
- 2.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 3.The Inspector of Police,
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W.P(MD)No.26803 of 2024

11.11.2024