



W.P(MD)No.26589 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26589 of 2024

Veeramani

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross Street,
Tiruchirappalli District.

2.The State represented by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur 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 based on the petitioner's Application No.TR1076812192924 dated 08.10.2024.

For Petitioner : Mr.S.Sathyachidambaram



W.P(MD)No.26589 of 2024

For Respondents : Mr.K.Maharajan
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 based on the petitioner's Application No.TR1076812192924 dated 08.10.2024.

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.

3. The petitioner seeks issuance of passport. He had already submitted his application. While processing the same, the first respondent came to know that a criminal case in Crime No.167 of 2018 was registered against the petitioner on the file of the second respondent



W.P(MD)No.26589 of 2024

Police. In view of the same, the first respondent issued notice dated 08.10.2024. The petitioner submitted his explanation to the first respondent on 05.11.2024 in this regard but no action has been taken on such explanation. Hence, the present 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. 167 of 2018 was registered by Adirampattinam Police Station on 31.07.2018 under Sections 294(b) and 506(2) of IPC and the same has culminated in laying a charge sheet in C.C.No.34 of 2019 on the file of Judicial Magistrate, Pattukottai, Thanjavur District.

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



W.P(MD)No.26589 of 2024

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 application of the petitioner is for issuance of passport.

6. In view of the aforesaid observation, this Court hereby direct the first 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.



W.P(MD)No.26589 of 2024

WEB COPY 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

To

- 1.The Regional Passport Officer,
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New Municipal Complex,
Thillainagar 7th Cross Street,
Tiruchirappalli District.
- 2.The Inspector of Police,
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W.P(MD)No.26589 of 2024

L.VICTORIA GOWRI, J.

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W.P(MD)No.26589 of 2024

13.11.2024