



W.P(MD)No.26734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.26734 of 2024

D.Murugesan

... 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,
T.Kallupatty Police Station,
T.Kallupatty,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent's impugned communication mentioned in Online Appointment Receipt in Application Reference No. 24-1012570779 dated 16.10.2024 and quash the same as illegal and direct the first respondent to issue the passport to the petitioner by considering the petitioners application No. ARN No. 24-1012570779



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dated 16.10.2024 and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.J.Mathesh

For Respondents : Mr.Kuttalanathan
Standing Counsel
for R.1

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

ORDER

This Writ Petition has been filed challenging the first respondent's impugned communication mentioned in Online Appointment Receipt in Application Reference No.24-1012570779 dated 16.10.2024 and direct the first respondent to issue the passport to the petitioner by considering the petitioner's Application No.ARN No.24-1012570779 dated 16.10.2024.

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 second respondent and carefully perused the entire materials available on record.



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3. The petitioner's passport bearing No.L9871155 which was issued to him on 18.06.2014 got expired on 17.06.2024. Following which the petitioner made an application for renewal of his passport on 18.01.2024 and 14.08.2024. The first respondent on scrutiny of the petitioner's application for renewal of passport had sent a communication dated 04.10.2024 communicated that the petitioner's passport application came to be closed due to the non-response from the petitioner on the file of closure intimation notice issued by the first respondent dated 14.08.2024. However, liberty was given to the petitioner to re-apply with required documents. In view of the same, the petitioner submitted a new application form on 16.10.2024 along with all the details enclosing the necessary documents. When the petitioner appeared before the first respondent on 16.10.2024, his application was not processed making an observation that the applicant's details as to the Court cases is not clear. 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 second



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respondent submitted that FIR in Crime No.51 of 2019 was registered by T.Kallupatti Police Station on 28.02.2019 under Sections 287, 304(A) and 337 of IPC and the same has culminated in laying a charge sheet in C.C.No.84 of 2023 on the file of Judicial Magistrate, Peraiyur.

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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L.VICTORIA GOWRI, J.

MGA

To

- 1.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 2.The Inspector of Police,
T.Kallupatty Police Station,
T.Kallupatty,
Madurai District.

Copy to

The Judicial Magistrate,
Peraiyur.

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