



W.P.(MD)No.26756 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26756 of 2024

Saravanan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Trichirappalli.

2.State Rep. By,
The Inspector of Police,
Kantharavakottai Police Station,
Pudukkottai District.

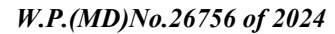
... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to issue the passport to the petitioner, based on the petitioner's Application No.TR1076928458124, dated 11.09.2024, on the basis of the petitioner's representation dated 30.10.2024.

For Petitioner	: Mr.G.Mathavan
For 1 st Respondent	: Mr.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 disposal at the stage of admission itself.



"To issue a Writ of Mandamus, directing the 1st respondent to issue the passport to the petitioner, based on the petitioner's Application No.TR1076928458124, dated 11.09.2024, on the basis of the petitioner's representation dated 30.10.2024."

4.The learned Government Advocate for the 2nd respondent would submit that the matter is still pending in FIR stage and has not culminated in filing a final report.



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5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondent and carefully perused the entire materials available on record.

6. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the case of ***W. Jaihar William Vs State of Tamil Nadu*** reported in ***2014 (2) CWC 684*** has held that mere pendency of FIR cannot be construed as pendency of criminal proceedings, unless Judicial Magistrate takes cognizance of offence, on filing of charge sheet on completion of investigation against the accused. Right to travel abroad is a fundamental right.

7. In view of the same, the first respondent is hereby directed to consider the application of the petitioner dated 11.09.2024 to renew his passport without reference to the FIRs lodged against him and issue renewed passport, if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above directions, this Writ Petition stands allowed.

There shall be no order as to costs.

11.11.2024

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

To

1. The Regional Passport Officer,
Regional Passport Office,
Trichirappalli.
2. The Inspector of Police,
Kantharavakottai Police Station,
Pudukkottai District.



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L.VICTORIA GOWRI, J.

Mrn

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