



*W.P.(MD)No.26788 of 2024*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Dated : 14.11.2024**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.26788 of 2024**

Manimaran

... Petitioner

Vs.

1.The Regional Passport Officer,  
Regional Passport Office,  
No.1, PSK Madurai,  
Claret Plaza,  
Melakkal Main Road,  
Kochadai,  
Madurai – 625 016.

2.The State Rep. By,  
The Inspector of Police,  
S.S. Colony Police Station,  
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioner's passport Application No.MD1076955808724, dated 20.09.2024 and direct the 1<sup>st</sup> respondent to reissue the passport to the petitioner, on the basis of the petitioner's representation, dated 24.10.2024.

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| For Petitioner                 | : Mr.A.Arul Jenifer                              |
| For 1 <sup>st</sup> Respondent | : Mr.S.Pon Senthil Kumaran<br>Standing Counsel   |
| For 2 <sup>nd</sup> Respondent | : Mr.K.Gnanasekaran<br>Government Advocate (Crl) |



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**ORDER**

The prayer in the Writ Petition reads as follows:-

*“To issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioner's passport Application No.MD1076955808724, dated 20.09.2024 and direct the 1<sup>st</sup> respondent to reissue the passport to the petitioner, on the basis of the petitioner's representation, dated 24.10.2024.”*

2.The petitioner has made an application for re-issuance of passport, which expired on 30.09.2024 and the application Number is MD1076955808724. The first respondent has withhold his reissue application by referring to Criminal case in Crime No.52 of 2022 for the offences under Sections 406, 420, 294(b) and 506(i) of IPC, on the file of S.S.Colony Police Station. The petitioner has also given his explanation within 15 days. However, till date, his explanation is not considered. Hence, the Writ Petition came to be filed.

3.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.52 of 2022 was registered by S.S.Colony Police Station, for the offences under Sections 406, 420, 294(b) and 506(i) of IPC and the same has culminated in laying a charge sheet but the same has not been taken on file.



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4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the 1<sup>st</sup> respondent, the learned Government Advocate appearing for the 2<sup>nd</sup> respondent and carefully perused the entire materials available on record.

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 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



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application of the petitioner is for renewal of passport.

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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.With the above directions, this Writ Petition stands disposed of.  
There shall be no order as to costs.

**14.11.2024**

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



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To

- 1.The Regional Passport Officer,  
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Madurai – 625 016.
- 2.The Inspector of Police,  
S.S. Colony Police Station,  
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**L.VICTORIA GOWRI, J.**

Mrn

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