



W.P.(MD)No.26717 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26717 of 2024

K.Balamurugan

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of Regional Passport Officer,
Tiruchirappalli Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli – 620008.

2.The State of Tamil Nadu rep. By,
The Inspector of Police,
Manamelkudi 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 renew and re-issue the passport to the petitioner in application vide file No.MYSP01184924 in reference No.24-2003574848, dated 31.07.2024 pending on the file of the 1st respondent.

For Petitioner	: Mr.K.Kharikharadas
For 1 st Respondent	: Mr.S.Muthukumar Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran 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 1st respondent to renew and re-issue the passport to the petitioner in application vide file No.MYSP01184924 in reference No. 24-2003574848, dated 31.07.2024 pending on the file of the 1st respondent.”

2.The petitioner has made an application for re-issuance of passport, which is about to expire on 07.04.2025 and the application Number is MYSP01184924 in reference No.24-2003574848. However, the first respondent without renewing the same, had sent a communication letter, requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from Manamelkudi Police Station in Crime No.268 of 2020 for the offences under Sections 143, 269, 271 and 283 of IPC, which is registered as against the petitioner. Subsequently the petitioner has sent a representation dated 15.10.2024, with reference to the explanation sought by the 1st respondent. But the same was 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.5 of 2017 was registered by



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District Crime Branch, Thiruvarur, for the offences under Sections 468, 471 and 420 of IPC and the same has culminated in laying a charge sheet but the same has not been taken on file. Further he submitted that another FIR in Crime No.268 of 2020 was registered by Manamelkudi Police Station for the offences under Sections 143, 269, 271 and 283 of IPC is still pending against the petitioner.

4.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the 2nd 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



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

12.11.2024

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



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L.VICTORIA GOWRI, J.

Mrn

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