



W.P.(MD).No.26949 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26949 of 2024

Karthik

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Plot No.A5, Salai Road and Shasti
Road Junction,
Thillai Nagar, Tiruchirappalli.

2.The Inspector of Police,
Mathur Police Station,
Pudukkottai.

3.The Inspector of Police,
AWPS Keeranur Police Station,
Pudukkottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to re-issue / renew the petitioner's passport bearing No.N4638537 on the basis of the petitioner's online application No. 24-1011706147 dated 23.09.2024 within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Chezhiyan



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For R-1 : Mr.A.P.Rajasimman
Central Government Standing Counsel

For R-2 : Mr.K.Gnanasekaran,
Government Advocate, (Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition has been filed to direct the 1st respondent to re-issue / renew the petitioner's passport bearing No.N4638537 on the basis of the petitioner's online application No. 24-1011706147 dated 23.09.2024.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The petitioner applied for a passport and obtained a passport in Passport No.N4638537 dated 13.11.2015 and the same will be expired on 12.11.2025. Hence, the petitioner applied for re-issuance of a passport in application No.24-1011706147 before the 1st respondent dated 23.09.2024. The 1st respondent sent the communication mail to the Superintendent of Police, Pudukkottai, for police verification. In turn, the respondents 2 and 3



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have informed that the petitioner has involved in two crime numbers, that are, Crime No.102/2024 under Section 147, 447, 427, 341 and 323 of IPC on the file of the 2nd respondent and Crime No.8/2024 under Section 79 of BNS Act on the file of the 3rd respondent. Since two crimes are pending against the petitioner, the passport would not be reissued. Hence, the present writ petition came to be filed seeking to reissue the passport.

5. 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.

6. In view of the same, the first respondent is directed to reissue / renew the petitioner's 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 four (4) weeks from the date of receipt of a copy of this order.



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

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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L.VICTORIA GOWRI, J.

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