



W.P(MD)No.27058 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.27058 of 2024

Subilan

... Petitioner

Vs.

- 1.The Secretary to State,
Ministry of Home Affairs,
Government of India,
South Block, New Delhi.
- 2.The Central Passport Organisation,
PSP Division (Ministry of External Affairs),
27, Patiala House,
Thilakmarg, New Delhi.
- 3.The Foreigner Regional Registration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
28, Haddows Road,
Chennai – 600 006.
- 4.The Regional Passport Authority,
768, Bharathi Ula Street,
Near Thamarai Thotti Bus Stop,
K.K.Nagar,
Madurai – 625 002.



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5.The State represented by
The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
(In Crime No.438 of 2018)

6.Sumega

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to renew the petitioner's Indian Passport No.M0713724 which was issued on 24.09.2014 and valid up to 23.09.2024.

For Petitioner : Ms.A.Lakshmi

For Respondents : Mr.K.Gokul
Central Government Standing Counsel
for R.1 to R.4

Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
for R.5

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents 1 to 4 to renew the petitioner's Indian Passport No.M0713724 which was issued on 24.09.2014 and valid up to 23.09.2024.



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2. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the respondents 1 to 4, the learned Government Advocate (Criminal Side) appearing for the fifth respondent and carefully perused the entire materials available on record. Considering the scope of the relief sought for by the petitioner herein, issuance of notice to the sixth respondent is dispensed with.

3. The petitioner's passport bearing No.M0713724 which was issued to him on 24.09.2014 got expired on 23.09.2024. Following which the petitioner made an application for renewal of his passport in the Indian Embassy with Sultanate of Oman. But it was denied stating that only if either the criminal case against the petitioner is quashed or an order as obtained from the High Court directing the passport authorities to renew the petitioner's passport is produced, his application could be considered. Hence, 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 respondent submitted that FIR in Crime No.438 of 2018 was registered



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by Suchindram Police Station on 09.11.2018 under Sections 294(b), 323 and 506(2) of IPC and the same has culminated in laying a charge sheet on the file of Judicial Magistrate No.3, Nagercoil, however, the same has not been taken to the file of the said Court.

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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*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 fourth 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. Accordingly, with the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

13.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 14.11.2024.

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L.VICTORIA GOWRI, J.

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