



W.P.(MD).No.27459 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27459 of 2024

Meyyar

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office ,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross, Trichy-620 018.

2. The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukkottai District.

... 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 issue passport to the petitioner on the basis of his application dated 02.04.2024 pending in File No. TR2066426396324 before the 1st respondent by accepting his explanation within a time frame.

For Petitioner : Mr. T.Leninkumar

For Respondents : Mr.P.Sundaravadivel (R1)
Central Government Standing Counsel



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Mr.K.Gnanasekaran (R2)
Government Advocate (Crl.Side)

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to issue passport to the petitioner on the basis of his application dated 02.04.2024 pending in File No. TR2066426396324.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent and the learned Government Advocate (Crl.Side) appearing for the second respondent. Perused the materials on record.

4.It is submitted by the learned counsel for the petitioner that the petitioner had applied for renewal of his passport bearing No.F9741399. On receipt of his application, the 1st respondent had has sought a clarification



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regarding the adverse police report of the 2nd respondent that a criminal case is pending against the petitioner in Cr.No.162 of 2016 on the file of second respondent. In this regard, the first respondent sent a notice to the petitioner seeking clarification. On 21.08.2024, the petitioner has submitted his explanation in person.

5.The learned Government Advocate (Crl.Side) appearing for the 2nd respondent submitted that the crime in Cr.No.162 of 2016, after completion of investigation has culminated in the filing of a final report by the second respondent before the learned Judicial Magistrate, Aranthangi and the same is not taken on file.

6.In *W.A.No.902 of 2023, dated 02.06.2023*, the Hon'ble Division Bench of this Court has observed that a person cannot travel abroad without the permissions 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 the



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Sessions Court, where the criminal case is pending permits the person to travel abroad, he cannot travel abroad. The relevant portion is extracted hereunder:

“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.”

7.The said case also relates to renewal of the passport. The 1st respondent shall bear in mind that right to travel abroad is a fundamental right. Therefore, the 1st respondent unless there are extraordinary circumstances shall not deny relief.

8.Fully fortified by the Judgment of the Hon'ble Division Bench of this Court in W.A.No.902 of 2023, 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 a criminal case is pending against the petitioner. However, it is made clear that, if the petitioner is travelling



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abroad, then the petitioner would be required to seek permission from the Court where the criminal case is pending.

9. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

18.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Regional Passport Officer,
Regional Passport Office,
Madurai,
Tamil Nadu.

2. The Inspector of Police,
Madurai City Cyber Crime Police Station,
Madurai City.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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