



W.P.(MD)No.27441 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.27441 of 2024

P.Suresh

... Petitioner

Vs.

1.The Regional Passport Officer,
Tiruchirappalli,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli - 620018.

2.The Inspector of Police,
Town Police Station,
Pattukkottai,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records to the impugned Objection letter issued by the 1st respondent, by his proceeding Letter Ref.No.OBJ/319388817/24, dated 03.09.2024 and quash the same and consequently direct the 1st respondent to renew the petitioner passport based on the petitioner passport application file No.TR 1076575251324, on 22.05.2024.

For Petitioner	: Mr.K.Mahendran
For 1 st Respondent	: Mr.R.Nandagopal Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



W.P.(MD)No.27441 of 2024

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ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the records to the impugned Objection letter issued by the 1st respondent, by his proceeding Letter Ref.No.OBJ/319388817/24, dated 03.09.2024 and quash the same and consequently direct the 1st respondent to renew the petitioner passport based on the petitioner passport application file No.TR 1076575251324, on 22.05.2024.”

2.The petitioner has made an application for renewal of passport, which expired on 24.10.2016 and the application Number is TR1076575251324. However, the first respondent without renewing the same, had sent a communication letter Ref.No.OBJ/319388817/2024, dated 03.09.2024, requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from Pattukottai Taluk Police Station, in Crime No.789 of 2015, for the offences under Sections 294(b), 323, 324 and 506(i) of IPC, which is registered as against the petitioner. Challenging the said communication, the Writ Petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Criminal) for the 2nd respondent would submit



W.P.(MD)No.27441 of 2024

that the matter is still pending in FIR stage and has not culminated in filing a final report.

4. Heard the learned counsel appearing for the petitioner, the learned Central Government 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. 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 hereby directed to consider the application of the petitioner to renew his passport without reference to the FIRs lodged against him and issue renewed 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 weeks from the date of receipt of a copy of this order.



W.P.(MD)No.27441 of 2024

WEB COPY

7. With the above directions, this Writ Petition stands allowed.

There shall be no order as to costs.

20.11.2024

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

To

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W.P.(MD)No.27441 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.27441 of 2024

20.11.2024