



W.P.(MD)No.28182 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28182 of 2024

K.Nalini

... Petitioner

Vs.

1.The Passport Officer,
The Regional Passport Office,
Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.

... 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 re-issue passport to the petitioner based on the petitioner's application in File No. MD1077023448524 within a stipulated time frame fixed by this Court.

For Petitioner : Mr.E.K.Kumaresan

For Respondents : Mr.T.Kuttalanathan (R1)

Central Government Standing Counsel



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Mr.K.Gnanasekaran (R2)

Government Advocate

ORDER

Mr.T.Kuttalanathan, learned Standing Counsel takes notice for the first respondent. Mr.K.Gnanasekaran, learned Government Advocate takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to re-issue passport to the petitioner based on the petitioner's application in File No. MD1077023448524 within a stipulated time frame fixed by this Court.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner applied for issuance of passport vide her application in File No.MD1077023448524 on 14.10.2024. On receipt of the same, the first respondent issued a letter dated 22.10.2024 directing her to appear before the



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authority seeking explanation about the cases registered against her in Crime No.569 of 2017 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

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 for passport without reference to the FIRs lodged against her, if she 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.



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

shall be no order as to costs.

26.11.2024

NCC : Yes / No

Index : Yes / No

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WEB COPY **TO:-**

- 1.The Passport Officer,
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Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.



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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.28182 of 2024

Dated
26.11.2024