



W.P.(MD)No.28175 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.28175 of 2024

Mathesh

... Petitioner

Vs.

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

2.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.

... 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 issue Passport to the petitioner by processing the petitioner's application in File No. TR1066018252923 based on the explanation / representation dated 07.11.2024 within a time limit stipulated by this Court.

For Petitioner

: Mr.B.Anandan

For Respondents

: Mr.S.Muthukumar (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate



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ORDER

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Mr.S.Muthukumar, 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 issue Passport to the petitioner by processing the petitioner's application in File No. TR1066018252923 based on the explanation / representation dated 07.11.2024 within a time limit stipulated by this Court.”

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

4. The petitioner made an application for issuance of passport through online on 06.06.2014 and immediately, the first respondent had required the petitioner to appear before the first respondent with proper explanation with all necessary documents in the matter of pendency of a case in crime No. 124 of



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2021 against him. However, since the petitioner failed to give any explanation, the said application came to be closed on 11.11.2024.

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 petitioner is directed to make a fresh application through online, seeking for issuance of passport and on receipt of the same, the first respondent is directed to consider the same on merits and in accordance with the law without reference to the FIRs lodged against him, if he is otherwise eligible for the same. While considering the same, the respondents shall keep in mind that the pendency of the FIR shall not be a bar for issuance of passport. 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 Regional Passport Officer,
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- 2.The Inspector of Police,
Adirampattinam Police Station,
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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.28175 of 2024

Dated
26.11.2024