



W.P.(MD)No.29345 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.12.2024**

CORAM:

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

W.P.(MD)No.29345 of 2024

J.Sundararajan

... Petitioner

Vs.

1.The Passport Officer ,
Ministry of External Affairs,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Thiruchirappalli - 620 018,
Tamil Nadu.

2.The Inspector of Police,
Ammappettai Police Station,
Nagapattinam Road,
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 and 2nd Respondent herein to issue a passport to the Petitioner based on his Application File No. TR1066824697524 dated 07.08.2024 within a specific time limit as specified by this Court.



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For Petitioner

: Mr.B.Sargunam

For Respondents

: Mr.A.P.Rajasimman (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate

ORDER

Mr.A.P.Rajasimman, learned Central Government 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 and 2nd Respondent herein to issue a passport to the Petitioner based on his Application File No. TR1066824697524 dated 07.08.2024 within a specific time limit as specified by this Court.”

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



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4. The petitioner applied for issuance of passport vide his application in TR1066824697524 on 07.08.2024. On receipt of the same, the first respondent issued a letter dated 16.09.2024 directing him to appear before the authority seeking explanation about the cases registered against him in Crime No.302 of 2017 and in Crime No.446 of 2016 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 to re-issue his passport without reference to the FIRs lodged against him, if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance



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with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

06.12.2024

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.29345 of 2024

Dated
06.12.2024