



W.P.(MD).No.30187 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30187 of 2024

and

W.M.P.(MD)Nos.25407 to 25409 of 2024

Sundheep Manuel Arulraj

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.
- 2.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District,
(Crime No.84/2023 U/s.279, 337,
304(A) IPC)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice dated 29.11.2024 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to remove the status of the petitioner's passport from "Hold" status and allow the petitioner to travel by using his passport issued as per File No. MD1076402072724, Letter Ref.No. SC N 318081361/24 bearing Passport No. Z7756473.



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For Petitioner : Mrs.S.Devasena
For R-1 : Mr.K.Govindarajan,
Deputy Solicitor General of India
For R-2 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed to call for the records relating to the impugned notice dated 29.11.2024 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to remove the status of the petitioner's passport from “Hold” status and allow the petitioner to travel by using his passport issued as per File No. MD1076402072724, Letter Ref.No. SC N 318081361/24 bearing Passport No. Z7756473.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.



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4.The petitioner is holding a valid Indian Passport bearing passport No.R0088957 which is valid up to 30.04.2027 which was issued on 01.05.2017. The petitioner was serving in the cadre of Officer in a Merchant Navy ship (Oil Tanker). In the meanwhile, he married one K.Khaleda Tanwir on 01.09.2022 and for the purpose of including the name of his spouse in his passport, he made an application to the 1st respondent on 26.03.2024. While considering the said application, the 1st respondent required the petitioner to submit an explanation with respect to the First Information Report in crime No.84 of 2023 on the file of the 2nd respondent which is pending against him. The said First Information Report is with respect to an accident case which was registered against the petitioner. The petitioner duly submitted his explanation, even thereafter the 1st respondent had passed the orders with respect to the petitioner's passport categorising the same in "Hold" status in the concerned website. Further, they have issued a show cause notice dated 29.11.2024, requiring the petitioner to submit an explanation as to why his passport should not be continued to be in "Hold" status. Challenging the same, the present writ petition is filed.

5.The learned Government Advocate for the 2nd respondent, Mr.K.Gnanasekaran, on instructions, submitted that already a charge sheet



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has been laid in this regard before the Judicial Magistrate, Manapparai, in C.C.No.79 of 2024 and the next date of hearing is 17.01.2025.

6.Per contra, the learned counsel for the petitioner, Mrs.Devasena, submitted that a connected M.C.O.P.No.171 of 2023 on the file of the Subordinate Judges Court at Manapparai has already been taken on file and the matter has been completely settled on payment of compensation by the Insurance Company to the legal heirs of the accident victim, before the Lok Adalat at Manapparai by an order dated 08.07.2024.

7.In view of the same, the petitioner's crime ought to have been closed by the 2nd respondent police rather implicating him in C.C.No.79 of 2024 pending before the Judicial Magistrate Court at Manapparai. Normally, whenever a chargesheet is laid against the particular person, the said person will have to approach the Trial Court concerned for seeking permission to travel abroad. However, considering the peculiar circumstances of this case and the petitioner's urgency in going back to work as Officer in a Merchant Navy Ship on 13.12.2024, and considering the fact that the Judicial Magistrate, at Manapparai Judicial Magistrate Court is on leave as of now and the Judicial Magistrate Court at Trichy is holding



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charge of the said Court, this Court is of the considered view, that it would be difficult for the petitioner to get appropriate orders from the Jurisdictional Magistrate within a period of one day to travel abroad.

8.In view of the same, considering the fact that already the compensation has been paid to the legal heirs of the accident victim in the concerned M.C.O.P.No.171 of 2023, the 1st respondent is directed to consider the petitioner's case as a special category for removing “Hold” status and thereafter allow him to travel abroad by using his passport.

9.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

Note: Issue order copy on 11.12.2024.



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L.VICTORIA GOWRI, J.

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