



W.P(MD)No.31569 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P(MD)No.31569 of 2024

Vedharathinam

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillai Nagar 7th Cross,
Trichy – 620 018,
Tiruchirappalli District.

2.The Inspector of Police,
Keelayur Police Station,
Nagapattinam District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to renewal of petitioner's passport and based on petitioner's representation (Application No. TR2076793489524) dated 10.12.2024 within a time limit stipulated by this Court.

For Petitioner : Mr.S.Vimal Raj



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For Respondents : Mr.A.Srinivasan
Standing Counsel for R.1

Ms.M.Aasha
Government Advocate (Criminal Side)
for R.2

ORDER

This Writ Petition is filed for issuance of a writ of mandamus seeking a direction to the first respondent for renewal of petitioner's passport based on petitioner's representation (Application No. TR2076793489524) dated 10.12.2024.

2. Mr.A.Srinivasan, learned Standing Counsel takes notice for the first respondent and Ms.M.Aasha, learned Government Advocate (Criminal Side) takes notice for the second respondent.

3. With the consent of both parties, this Writ Petition is taken up for final disposal at the time of admission itself.

4. The brief facts of the case, which are necessary for disposal of this Writ Petition, are as follows:



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(i) The writ petitioner is doing agricultural related works. He applied an application through online in File No.TR2076793489524 on 29.07.2024 before the first respondent for renewal of passport. The petitioner mistakenly failed to mention the case registered against him at the time of applying renewal of passport and during the verification of his application. The petitioner received a communication letter dated 22.08.2024 stating that a criminal case in Crime No.83 of 2008 for the alleged offences under Sections 147, 148, 453, 323, 324, 307 & 450 of IPC is pending on the file of the second respondent Police and directed the petitioner to send his explanation with regard to the above said pendency of the criminal case as well as the suppression made by the petitioner while filing the said issuance of passport application within 30 working days.

(ii) The petitioner failed to send any explanation regarding the communication from the first respondent alleged that a criminal case is pending against him. The petitioner studied only 10th standard and also having no knowledge that the explanation must be given to the first respondent within a period stipulated by them. Therefore, the reason for not giving explanation in written to the first respondent neither willfully nor wantonly. The petitioner is ready to give all the necessary documents



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as may be required by the first respondent reasonably, due to the act of the first respondent, the petitioner's livelihood is not improved and other things will be spoiled in future. Hence, the writ petitioner filed this writ petition before this Court.

5. The learned counsel appearing on behalf of the petitioner would submit that a mere pendency of the criminal case cannot be a ground for renewal of passport unless the Judicial Magistrate takes cognizance of the offence. On filing of charge sheet and completion of investigation it cannot be treated as proceedings pending before the criminal Court. Hence, the first respondent need not kept the petitioner's application pending without issuing passport.

6. The learned Standing Counsel appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent submitted that originally the criminal case against the petitioner in S.C.No.52 of 2016 on the file of Sub Court, Nagapattinam was pending and the writ petitioner herein was arrived as A7 and the same was pending for adjudication. The learned Government Advocate (Criminal Side) appearing for the second respondent would submit that



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the petitioner herein was not appeared before the trial Court for several years and thereafter the case was split up, as against the writ petitioner and some other accused in S.C.No.47 of 2024 on the file of Sub Court, Nagapattinam and the same is pending for adjudication.

7. The learned Standing Counsel appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent have not raised serious objections to issue positive direction to the trial Court to consider the petitioner's case favourably.

8. This Court has given its careful consideration to the submissions made by the respective counsels and perused the materials available on record.

9. It is pertinent to refer that the similar issue which has already been dealt with by this Court in W.P.(MD)No.19313 of 2024 by an order dated 13.08.2024 and the relevant paragraphs are extracted hereunder:-

“4.The petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. The



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learned trial Judge shall bear in mind that right to travel abroad is a fundamental right. The petitioner's career and avocation may be at stake, if he is denied the right to go abroad. Therefore, the trial Court unless there are extraordinary circumstances, shall not deny the relief. Of course, the period of validity of passport will have to be restricted. It is also open to the trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application under Section 205 of Cr.P.C by executing a special vakalat.

5. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-mentioned application in terms of the said order.”

10. Considering the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant liberty to the petitioner to approach the learned trial Court by filing an appropriate application.

11. On such filing of application, the learned Sub Judge, Nagapattinam shall consider and pass appropriate orders as expeditiously as possible, in accordance with law.



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12. With the above directions, this Writ Petition is disposed of with above directions. There shall be no order as to costs.

27.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillai Nagar 7th Cross,
Trichy – 620 018,
Tiruchirappalli District.

2.The Inspector of Police,
Keelayur Police Station,
Nagapattinam District.

Copy to

The Sub Court,
Nagapattinam.



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M.JOTHIRAMAN, J.

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