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W.P.No.1528 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.01.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.1528 of 2025**

Vishnu Vardhan

... Petitioner

VS.

1.The Passport Officer  
Regional Passport Office,  
No. 2 and 3, IV, Floor,  
Old No. 785, New No. 158,  
Anna Salai,  
Chennai-600 002.

2.The Inspector of Police  
J-10, Semmenchery PS,  
Sholinganallur,  
Chennai.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the representation dated 20.12.2024 within time frame fixed by this Court.



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W.P.No.1528 of 2025

For Petitioner : Mr.Mohammed Feroz.A  
For R1 : Mr.V.T.Balaji  
Senior Panel Counsel (RPO)  
For R2 : Mr.L.Baskaran  
Government Advocate (Crl.Side)

### **ORDER**

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The writ petition is filed seeking a direction to the 1<sup>st</sup> respondent to consider the petitioner's representation dated 20.12.2024 seeking issuance of passport.

3. The learned counsel appearing for the petitioner submits that the petitioner's passport was lost during his visit to Bangkok and hence, an emergency passport was issued by Indian Embassy to the petitioner for a short period from 01.08.2024 to 31.10.2024. After returning to India, the petitioner applied for fresh passport before the Regional Passport Authority



W.P.No.1528 of 2025

on 04.10.2024. The 1<sup>st</sup> respondent sent a communication to the petitioner seeking clarification regarding pendency of criminal case against the petitioner on the file of the 2<sup>nd</sup> respondent. The petitioner submitted a representation before the 1<sup>st</sup> respondent on 20.12.2024 stating that the pendency of criminal case was not a bar for issuing of passport. The same has not been considered by the 1<sup>st</sup> respondent till date. Hence, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner further submitted that merely because criminal case is pending before the 2<sup>nd</sup> respondent, the request of the petitioner for issue of passport cannot be withheld.

5. Mr.V.T.Balaji, learned Senior Panel Counsel (RPO) takes notice for the 1<sup>st</sup> respondent and Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes notice for the 2<sup>nd</sup> respondent.

6. The 2<sup>nd</sup> respondent filed a status report stating that a case was registered on the file of the 2<sup>nd</sup> respondent against the petitioner under NDPS Act and investigation was already over and charge sheet was filed



W.P.No.1528 of 2025

before the II Additional Special Court for Exclusive Trial of Cases under NDPS Act. It is also stated that the case against the petitioner has been taken on file as C.C.No.899/2023.

7. In view of the status report filed by the 2<sup>nd</sup> respondent, a criminal case is pending against the petitioner before a Court in India within the meaning of Section 6(2)(f) of the Passports Act, 1967. Therefore, it is for the petitioner to file an appropriate application before the concerned Court seeking permission to visit Foreign Country. If any such application is filed by the petitioner, the same shall be considered by the concerned Court and final orders shall be passed in accordance with law, within a period of four weeks from the date of receipt of such application.

8. In case, the petitioner is permitted to visit abroad by the concerned Court, the certified copy of the same shall be filed before the 1<sup>st</sup> respondent. On production of the order copy by the petitioner, the 1<sup>st</sup> respondent shall process the application filed by the petitioner and pass final orders in accordance with law, within a period of four weeks from the date of filing of order copy.



W.P.No.1528 of 2025

9. With the above directions, the Writ Petition stands disposed of. No

costs.

**23.01.2025**

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

To

1. The Passport Officer  
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**S.SOUNTHAR, J.**

dm

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