



W.P.No.5256 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5256 of 2025

and

W.M.P.Nos.5833 & 5834 of 2025

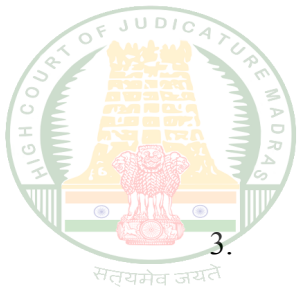
MANIKANDAN
S/O. MURUGAN,
PASSPORT NO. L8011254,
NO.8, THE ORCHARD, FAIRY HILL,
MONKSTOWN, CO CORK IRELAND,

REP BY HIS POWER AGENT,
MR.MURUGNAN,
S/O. SEENIKAMBAR,
NO. 129, ARUL NAGAR,
4TH STREET, SOORAPET,
CHENNAI – 66.

... Petitioner

Vs

1. UNION OF INDIA
REP BY PRINCIPLE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK,
SECRETARIT, RAISINA HILL,
NEW DELHI, INDIA.
2. HOC & SECOND SECRETARY (CONSULAR)
EMBASSY OF INDIA,
NO.69, MERRION ROAD,
BALLSBRIDGE,
DUBLIN-4, IRELAND



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3. THE REGIONAL PASSPORT OFFICER,
O/O.REGIONAL PASSPORT OFFICE,
CHENNAI, RAYALAS TOWER 2 AND 3,
4TH FLOOR, OLD NO. 185,
NEW NO. 158, ANNA SALAI,
TRIPLICANE, CHENNAI, TAMIL NADU, INDIA.

4. THE COMMISSIONER OF POLICE
VEPPARY,
CHENNAI, TAMIL NADU.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, Call for the records of the second respondent pertain to the impugned order dated 15.02.2024, bearing reference No. Dub/Cons/401/1/2024, and the consequential email communication dated 05.11.2024 regarding rejecting the renewal petitioner's passport and quash the same as illegal, consequently, direct the respondents to renew the petitioner's passport bearing No .L8011254 without reference to the pending Criminal Case in CC. No. 129/ 2019, U/s. 494, 498(A), 109, 406 of IPC on the file of Judicial Magistrate, Ambattur, Chennai, Tamil nadu.

For Petitioner	: Mr.P.R.Thiruneelakandan
For R1 to R3	: Mr.S.Diwakar Senior Panel Counsel
For R4	: Dr.C.E.Pratap Government Advocate (Crl.Side)



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ORDER

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2. Upon perusal of the records and after hearing the learned counsel for both sides, it is clear that the passport was not renewed only because C.C.No.129 of 2019 is pending before the learned Judicial Magistrate, Ambattur, Chennai, for alleged offences under Sections 494, 498(A), 109 and 406 of IPC.

3. It is now well settled that the rules framed by the Government of India in GSR.No.570E dated 25.08.1993 do not bar the renewal of the passport. All that is required is for the petitioner to seek permission from the concerned Court. This was also considered by the Hon'ble Division Bench of this Court and in the judgment in W.A.No. 902 of 2023, it has been held that



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the Government of India's instructions apply only when the petitioner has to travel abroad and that permission is not necessary for the mere issuance or renewal of the passport. However, the difficulty in the present case is that the petitioner is already residing abroad and has made the application from Ireland itself.

4. In view of this, given the peculiar facts and circumstance of the case, this is an appropriate case where the petitioner could be requested to seek permission of the concerned Court. As and when such an application is filed, the Criminal Court should consider that these are matrimonial disputes and that the parties are travelling abroad due to their occupation. Normally, such a request need not be denied.

5. The petitioner shall make an application before the concerned Judicial Magistrate Ambattur, Chennai in C.C.No. 129 of 2019 seeking permission to continue his occupation aboard in Ireland. Upon such an application being made, the Court shall consider the same and pass order. Upon the production of the concerned Court's order, the respondents



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authority shall renew the Passport.

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6. Since, it has been brought to the notice of this Court by the learned counsel for the petitioner that petitioner's passport has already expired and that he has to come to India even to get permission from the concerned Court, the concerned Embassy may consider issuing an emergency one-way travel certificate upon an application by the petitioner. This will enable the petitioner to come to India and apply before the appropriate Court. Considering the peculiar circumstances of the case, the application should be considered expeditiously.

7. In view of the above, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

18.02.2025

Neutral Citation: Yes/No
nsl



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To

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REP BY PRINCIPLE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
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SECRETARIT, RAISINA HILL,
NEW DELHI, INDIA.
2. HOC & SECOND SECRETARY (CONSULAR)
EMBASSY OF INDIA,
NO.69, MERRION ROAD,
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3. THE REGIONAL PASSPORT OFFICER,
O/O.REGIONAL PASSPORT OFFICE,
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D.BHARATHA CHAKRAVARTHY, J.

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