



W.P.No.8336 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.03.2025

CORAM:

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

W.P.No.8336 of 2025

and

W.M.P.No. 9345 of 2025

AHAMAD BASHA ALLAH BASHA

... Petitioner

Vs

1. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA,
ROYALA TOWERS NO.2 AND 3,
IV FLOOR, OLD NO.785,
NEW NO.158, ANNA SALAI,
CHENNAI-600 002.
2. THE STATE REP. BY,
SUB - INSPECTOR OF POLICE,
SATTANUR DAM POLICE STATION,
SATTANUR DAM,
TIRUVANNAMALAI DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for records of the first respondent in File No.MA8086938228724, Letter Ref.No.SCN/320436207/25 dated 07.01.2025 on the file of the first respondent not to initiate any action and impound surrender the passport bearing C1568469 dated 28.08.2024 and consequently



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direct the first respondent to issue Police Clearance Certificate.

For Petitioner : Mr.S.Udaya Kumar
For R1 : Mr.M.Sathyan (ACGSC)
For R2 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The prayer of the petitioner is to call for the records in respect of the Letter Ref.No.SCN/320436207/25 dated 07.01.2025 and not to initiate any action to impound or surrender the passport bearing C1568469 dated 28.08.2024 and consequently direct the first respondent to issue Police Clearance Certificate.

2. Upon perusal of the impugned order, it is in the form of a show cause notice, as to why the passport should be impounded.

3. After hearing the learned counsel for the petitioner and perusing the material records of the case, it seems that the grievance of the petitioner is that he has secured employment in Kuwait and he wanted to go to that country to earn his livelihood. However, a police Clearance certificate is being insisted upon. It is seen that a criminal case in P.R.C. No. 6 of 2023, is pending



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before the learned Judicial Magistrate, Thandarampattu, Thiruvannamalai

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District. Therefore, if the petitioner wants to go abroad for his livelihood, he must first seek permission from the concerned Court. Once permission is granted, the first respondent can decide to issue the police Clearance certificate and there will be no need to impound the passport in that regard.

4. The Honourable Division Bench of this Court has already considered this issue in the judgment in ***Regional Passport Officer v. Samsudeen Mohamed Salih (W.A.No.902 of 2023)***, wherein it was held that the pendency of a criminal case need not be a bar to holding a passport. Therefore, impounding the passport is not necessary. What is required is that, before leaving the country, the petitioner has to take the permission from the concerned Court. Once the Court grants permission, the first respondent can proceed with issuing the police clearance certificate.

5. In view thereof, this writ petition is disposed of on the following terms:-

(i) If the petitioner wants to go for employment in



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Kuwait or any other country, the petitioner shall make an appropriate application in the pending P.R.C.No. 6 of 2023 before the Judicial Magistrate, Thandarampattu, Thiruvannamalai District and the same shall be considered in accordance with law by the said Court.

(ii) Once permission is granted by the trial court, the first respondent shall take a call in issuing the police clearance certificate, enabling the petitioner to pursue his livelihood in a foreign jurisdiction. For the said purpose, the passport of the petitioner need not be impounded.

(iii) Consequently, connected miscellaneous petition is closed. No costs.

11.03.2025

Neutral Citation: Yes/No
nsl

To

1. THE REGIONAL PASSPORT OFFICER,
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GOVERNMENT OF INDIA,
ROYALA TOWERS NO.2 AND 3,
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2.

NEW NO.158, ANNA SALAI,
CHENNAI-600 002.

THE STATE REP. BY,
SUB - INSPECTOR OF POLICE,
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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