



W.P.No.12089 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.04.2025

CORAM:

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

W.P.No.12089 of 2025

and

W.M.P.No. 13653 of 2025

P.MAGESH

... Petitioner

Vs

1. THE REGIONAL PASSPORT OFFICER,
OFFICE OF REGIONAL PASSPORT,
CHENNAI ROYALA TOWERS,
NO.2 & 3, IV FLOOR, OLD NO.785,
NEW NO.158, ANNA SALAI, CHENNAI-600 002.
2. THE INSPECTOR OF POLICE,
UTHUKOTTAI POLICE STATION,
THIRUVALLUR DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in File No.MA2075862571923 in Letter Ref.No.SCN/316112309/23 dated 02.11.2023 of the first respondent and quash the same and consequently direct the first respondent to restore the petitioner's passport bearing No.Y9942364 issued on 11.10.2023.

For Petitioner : Mr.R.Sampath



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For R1 : Mr.M.Balaji
Central Government Standing Counsel

For R2 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This writ petition is filed challenging the impugned proceedings with reference to File No.MA2075862571923 in Letter Ref.No.SCN/316112309/23 dated 02.11.2023 and to consequently direct the first respondent to restore the petitioner's passport bearing No.Y9942364 issued on 11.10.2023.

2. The grievance of the petitioner is that the aforementioned passport bearing No. Y9942364 was issued to him on 11.10.2023. However, subsequently, the petitioner was called for an enquiry and the passport was retained by the authorities.

3. Upon perusal of the material records of the case, it can be seen that upon receipt of an adverse police report, the passport has been retained. It can be seen that a case in Crime No. 134 of 2018 was originally registered against the petitioner and now the chargesheet has also been filed in E-filing No.LTN202216193202500256 on the file of the learned Judicial Magistrate,



Uthukottai.

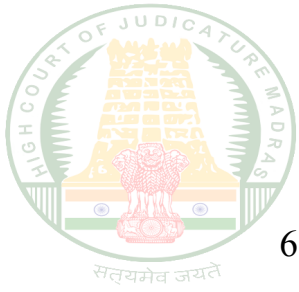


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4. It can be seen that the pendency of the first information report need not be taken as a bar for the issue of a passport and the said position has been settled by the Hon'ble Division Bench of this Court in ***Arumugam vs Regional Passport Officer (W.A(MD) No. 301 of 2018)***. The Government of India has also issued guidelines in this regard. Now that the chargesheet has been filed, if the same is taken on file, the petitioner has to take the permission of the concerned Court before leaving abroad. However, this will not come in the way of receiving the passport itself. This position has been settled by the Hon'ble Division Bench of this Court in ***Regional Passport Officer v. Samsudeen Mohamed Salih (W.A.No. 902 of 2023)***.

5. In view thereof, the first respondent is directed to restore and hand over the passport of the petitioner bearing No.Y9942364, if there is no other impediment. As and when the criminal case is taken on file, the petitioner has to approach the concerned Court and only after obtaining permission, he can leave abroad.



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6. Accordingly, this writ petition is disposed of. Consequently,

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connected miscellaneous petition is closed. No costs.

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Neutral Citation: Yes/No
nsl

To

1. THE REGIONAL PASSPORT OFFICER,
OFFICE OF REGIONAL PASSPORT,
CHENNAI ROYALA TOWERS,
NO.2 & 3, IV FLOOR, OLD NO.785,
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2. THE INSPECTOR OF POLICE,
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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