



W.P.(MD)No.271 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **07.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.271 of 2025

Vignesh Kumar

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2. The Inspector of Police,
Othakkadai Police Station,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to issue the Passport to petitioner in application File No. MD1067097138924 based on petitioner's representation dated 27.12.2024.

For Petitioner : Mr.A.Naresh Prabu

For Respondents : Mr.S.Karthick (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate



W.P.(MD)No.271 of 2025

ORDER

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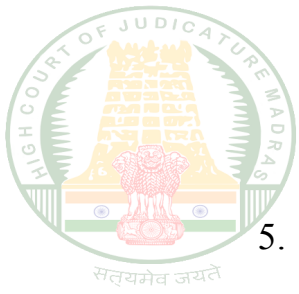
Mr.S.Karthick, learned Central Government Standing Counsel takes notice for the first respondent. Mr.K.Gnanasekaran, learned Government Advocate takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to issue the Passport to petitioner in application File No. MD1067097138924 based on petitioner's representation dated 27.12.2024.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner applied for issuance of passport vide his application in MD1067097138924. On receipt of the same, the first respondent issued a letter dated 05.12.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.98 of 2023 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



W.P.(MD)No.271 of 2025

5. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the case of *W.Jaihar William Vs State of Tamil Nadu* reported in **2014 (2) CWC 684** has held that mere pendency of FIR cannot be construed as pendency of criminal proceedings, unless Judicial Magistrate takes cognizance of offence, on filing of charge sheet on completion of investigation against the accused. Right to travel abroad is a fundamental right.

6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner to issue his passport without reference to the FIRs lodged against him, if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

07.01.2025

NCC : Yes / No
Index : Yes / No
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W.P.(MD)No.271 of 2025

L.VICTORIA GOWRI, J.

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TO:-

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.
2. The Inspector of Police,
Othakkadai Police Station,
Madurai District.

Order made in
W.P.(MD)No.271 of 2025

Dated
07.01.2025