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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.409 of 2025

Seeni Prinul Khan ... Petitioner

Vs.

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

2.The State of Tamil Nadu Rep. By,
The Inspector of Police,
Devipattinam Police Station,
Ramananthapuram District.
(Crime No.18 of 2023) ... 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 reissue the petitioner's passport (File No.MD1077115423924) dated 13.11.2024.

For Petitioner : Mr.J.Vishnu
For 1st Respondent : Mr.K.Gokul
Central Government Standing Counsel
For 2nd Respondent : Mr.K.Gnanasekaran
Government Advocate

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ORDER

The prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the 1st respondent to reissue the petitioner's passport (File No.MD1077115423924) dated 13.11.2024."

2.The petitioner is the holder of passport bearing No.V8407238 and he lost his passport on 25.10.2024. The petitioner has made an application for re-issuance of passport and the application Number is MD1077115423924. While so, on receipt of adverse police verification report, the 1st respondent had issued a communication, required an explanation from the petitioner. The petitioner has also sent a detailed representation on 31.12.2024. However, no action was taken till now. Hence, this Writ Petition came to be filed.

3.The learned Government Advocate for the 2nd respondent would submit that the matter is still pending in FIR stage and has not culminated in filing a final report.

4.Heard the learned counsels on either side and carefully perused the entire materials available on record.

5.It is a settled proposition of law that a mere pendency of FIR

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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 dated 31.12.2024, to renew his lost passport without reference to the FIRs lodged against him and issue renewed passport, 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 eight 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.

08.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

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To

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2.The Inspector of Police,
Devipattinam Police Station,
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L.VICTORIA GOWRI, J.

Mrn

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