



W.P.(MD)No.410 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.410 of 2025

Banumathi

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.

2.The Passport Seva Kendra Officer (Trichy),
Plod No.A5, Salai Road,
And Shastri Road Junction,
Thillai Nagar,
Tiruchirappalli – 620001.

3.The State of Tamil Nadu Rep. By
The Inspector of Police,
Lalgudi Police Station,
Tiruchirappalli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to reissue of the petitioner's passport bearing No.M4672559 on the basis of his application File No.TR2076748881724 based on his representation dated 16.12.2024.



W.P.(MD)No.410 of 2025

For Petitioner : Mrs.A.Banumathy
For Respondents 1 & 2 : Mr.K.Maharajan
Central Government Standing Counsel
For 3rd Respondent : Mr.K.Gnanasekaran
Government Advocate

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st and 2nd respondents to reissue of the petitioner's passport bearing No.M4672559 on the basis of his application File No.TR2076748881724 based on his representation dated 16.12.2024.”

2.The petitioner is the holder of passport bearing No.M4672559 and it is expired on 16.12.2024. The petitioner has made an application for re-issuance of passport and the application Number is TR2076748881724. 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 given representation to the respondents on 16.12.2024. 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.



W.P.(MD)No.410 of 2025

WEB COPY

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 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 16.12.2024, 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.



W.P.(MD)No.410 of 2025

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

To

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.
2. The Passport Seva Kendra Officer (Trichy),
Plod No.A5, Salai Road,
And Shastri Road Junction,
Thillai Nagar,
Tiruchirappalli – 620001.
3. The State of Tamil Nadu Rep. By
The Inspector of Police,
Lalgudi Police Station,
Tiruchirappalli District.



WEB COPY



W.P.(MD)No.410 of 2025

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.410 of 2025

08.01.2025