



*W.P.(MD)No.882 of 2025*

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Dated : 22.01.2025**

**CORAM:**

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

**W.P.(MD)No.882 of 2025**

E.Aslam

... Petitioner

Vs.

1.The Regional Passport Officer,  
Regional Passport Office,  
Bharathi Ula Veethi,  
Race Course Road,  
Madurai 625 002.

2.The Inspector of Police,  
Thondi Police Station,  
Thondi,  
Thiruvadanai Taluk,  
Ramananthapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned communication No. SCN/320117517/24 dated 28.11.2024 and quash the same and consequently direct the 1<sup>st</sup> respondent to issue passport to the petitioner by considering his application No.MD1067108305324 dated 11.11.2024.

|                                |                                                                |
|--------------------------------|----------------------------------------------------------------|
| For Petitioner                 | : Mr.S.Atham Ali                                               |
| For 1 <sup>st</sup> Respondent | : Mr.V.B.Sundhareshwara<br>Central Government Standing Counsel |
| For 2 <sup>nd</sup> Respondent | : Mr.K.Gnanasekaran<br>Government Advocate                     |



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## **ORDER**

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The prayer in the Writ Petition reads as follows:-

*“To issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned communication No. SCN/320117517/24 dated 28.11.2024 and quash the same and consequently direct the 1<sup>st</sup> respondent to issue passport to the petitioner by considering his application No.MD1067108305324 dated 11.11.2024.”*

2.The petitioner has made an application for issuance of passport and the application Number is MD1067108305324. While so, on receipt of adverse police verification report, the 1<sup>st</sup> respondent had issued a impugned communication dated 28.11.2024, required an explanation from the petitioner. Challenging the same, this Writ Petition is filed.

3.The learned Government Advocate for the 2<sup>nd</sup> 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 cannot be a bar for consideration of claim for issuance of passport. This



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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 impugned order is hereby set aside and the first respondent is hereby directed to consider the application of the petitioner dated 11.11.2024, for issuance his 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.

**22.01.2025**

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



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To

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**L.VICTORIA GOWRI, J.**

Mrn

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