



W.P.(MD).No.1965 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1965 of 2025

Jesudsan

... Petitioner

Vs.

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

2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(In Crime No.37 of 2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to expedite the process of issuing a passport to the petitioner based on his application for renewal dated 05.12.2024 bearing Application No.MD2077182640524 and his representation dated 07.01.2025 thereby permitting the petitioner to travel abroad.

For Petitioner : Mr.G.Anto Prince

For R-1 : Mr.V.Malaiyendran,
Central Government Standing counsel



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For R-2

: Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed seeking to direct the 1st respondent to expedite the process of issuing a passport to the petitioner based on his application for renewal dated 05.12.2024 bearing Application No.MD2077182640524 and his representation dated 07.01.2025 thereby permitting the petitioner to travel abroad.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The petitioner applied for re-issuance of passport bearing Application No.MD2077182640524 on 05.12.2024 as the petitioner's existing passport (No.N0255063) is set to expire on 30.11.2025. The petitioner received a show-cause notice dated 18.12.2024 from the



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1st respondent, citing a pending criminal case against the petitioner in Crime No.37 of 2022 at Suchindram Police Station. Since the same is pending in the FIR stage itself, the petitioner made a representation before the 1st respondent authorities. However, the same was not acted upon so far. Hence, the present writ petition came to be filed.

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 directed to reissue the petitioner's passport if he is otherwise eligible for the same. The first respondent shall comply with the said direction on



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merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

7.The writ petition is allowed on these terms. There shall be no order as to the costs.

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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

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

Sml

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