



W.P.(MD)No.2757 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2757 of 2025

K.Maruthachalam

... Petitioner

Vs.

1.The Regional Passport Officer,
Passport Office,
Trichy.

2.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai 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 renew the passport of the petitioner bearing No.M5605223 dated 29.01.2015 by graciously considering his representation dated 29.10.2024.

For Petitioner	: Mr.R.Sivalingam
For 1 st Respondent	: Mr.K.Maharajan Central Government Standing Counsel
For 2 nd 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 respondent to renew the passport of the petitioner bearing



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No.M5605223 dated 29.01.2015 by graciously considering his representation dated 29.10.2024.”

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2.The petitioner is a holder of passport bearing No.M5605223 and it is about to expire on 28.01.2025. Hence, the petitioner has made an application for renewal of passport on 29.10.2024. While so, on receipt of adverse police verification report, the 1st respondent had issued a letter dated 19.09.2024, required an explanation from the petitioner. The petitioner sent a detailed representation on 14.08.2024. However, no action was taken till now. Hence, this Writ Petition is filed.

3.The learned Government Advocate for the 2nd respondent would submit that Crime no.12 of 2009 has been culminated in laying charge sheet before the learned Judicial Magistrate, Ponnamaravathi, Pudukkottai District, on 29.09.2009. But the same has not been taken on file in the said Court till now.

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***



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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 representation of the petitioner dated 29.10.2024, for renewal of 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.

31.01.2025

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



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To

- 1.The Judicial Magistrate, Ponnamaravathi, Pudukkottai District.
- 2.The Regional Passport Officer,
Passport Office,
Trichy.
- 3.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.



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L.VICTORIA GOWRI, J.

Mrn

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