



W.P.(MD)No.3394 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3394 of 2025

M.Sahaya Delphine

... Petitioner

-VS-

1.The Union of India,
Rep. by its Principal Secretary to Government,
Ministry of External Affairs,
Shastri Bhavan, New Delhi.

2.The Ambassador,
The Indian Embassy,
Villa Nos.86 and 90, Street No.941,
Al Eithra Street, Zone 63,
Onaiza, P.O.Box 2788, Doha, Qatar.

3.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Passport Officer, Plot No.A5,
Salai Road and Shastri Road Junction,
Thillai Nagar, Tiruchirappalli,
Tamil Nadu – 620 001.

4.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to issue the reissue passport of the petitioner's brother filed Reissue Application No.QT0F251743148019, dated 15.01.2025, through the second respondent India Embassy, Doha, Qatar, for the period of 10 years validity, within a time limit stipulated by this Court.

For Petitioner : Mr.D.Rajaboopathy

For R1 to R3 : Mr.C.Nandagopal
Central Government Standing Counsel

For R4 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed seeking a direction to the third respondent to issue renewal passport of the petitioner's brother, bearing No.M3176759, consequent to Renewal Application No.QT0F251743148019, dated 15.01.2025.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The brother of the petitioner, Prem Alex Micheal is working as a Driver at Qatar and he is the holder of Indian passport bearing No.M3176759, which has



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expired on 27.10.2024. He is also an accused in Crime Nos.377 of 2007 registered by the fourth respondent for the offences under Sections 341, 294(b), 323 and 326 of I.P.C. and also in Crime No.3 of 2009 for the offences under Sections 147, 148, 452, 324, 323 @ 147, 148, 452, 326, 324, 323 and 506(i) of I.P.C. After completion of investigation, final reports had been filed and taken cognizance as C.C.Nos.20 of 2008 and 381 of 2023 by the learned Judicial Magistrate, Eraniel, Kanyakumari District. The brother of the petitioner necessarily has to come back to India to face trial. However, since his passport has expired, he is little hesitant to approach the authorities in Qatar, as he is staying there with an expired passport.

4. The learned counsel for the petitioner relied on an order of a learned Single Judge of this Court, dated **21.09.2022**, in **W.P.(MD)No.22222 of 2022** in **S.Muniasamy vs. The Union of India, New Delhi and two others**. Even in that case, the son of the petitioner therein was facing trial in a criminal court but was staying in Kuwait. After considering the entire issue, the learned Single Judge had finally issued the following directions:-

"11.Taking into consideration the facts and circumstances of the case and also in order to strike a balance to ensure that the Passport is



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renewed for a limited period and the petitioner is also permitted to take necessary steps to clear himself from the criminal case, this Court is inclined to allow the Writ Petition with the following directions:-

(a) The petitioner is directed to make a representation to the Consulate General of India, Indian Embassy at Abudapy along with a copy of this order;

(b) Immediately on receipt of such representation, the Passport of the petitioner shall be re-issued/renewed for a period of two years;

(c) On such re-issuance/renewal, the petitioner shall come over to India and take immediate steps to participate in the criminal proceedings and work out his remedy and defend himself in the case;

(d) The petitioner shall also file a memo before the concerned Court, where the criminal case is pending and bring to the notice of the said Court, the orders passed in this writ petition; and

(e) If in case the criminal case does not come to an end within the period for which the passport has been re-issued/renewed, the petitioner shall get the necessary permission only from the concerned Court in line with the notification issued by the Government of India through the Ministry of External Affairs in G.S.R.298(E) dated 14.04.1976".

5. Thus, it is seen that the appropriate procedure for the petitioner's brother is to apply for emergency certificate to come back to India and answer any question raised by the respondents 1 and 3 relating to the criminal cases which



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have been registered against him and give necessary undertaking that he would appear before the criminal court and ensure his participation during the criminal trial.

6. The learned counsel for the petitioner has stated that if the brother of the petitioner applies for an emergency certificate as stated above, he may not be able to go back to Qatar. The primary concern to get renewal of the passport and to attend the criminal cases. The issue of going back to Qatar depends upon the result of the criminal cases. The petitioner's brother's need at present is to get renewal of passport and come back to this Country and attend the criminal cases and endeavour to get an order of acquittal by contesting in the criminal cases.

7. Placing the obligation of the petitioner's brother herein and also in the light of the aforementioned direction given by the learned Single Judge, this Writ Petition is disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

06.02.2025



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To:-

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VIVEK KUMAR SINGH, J.

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