



W.P.(MD)No.4431 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4431 of 2025

S.Sujith Niranjan

: Petitioner

Vs.

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

2. The Inspector of Police,
Kottampatti Police Station,
Madurai District.

(R2 is impleaded vide Court

Order dated.28.02.2025 in WMP(MD).

3734 of 2025 in WP(MD).4431 of 2025 by VSJ)

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to issue the passport to the petitioner vide application no. MD3077002554214 dated 04.10.2024 by considering the representation of the petitioner dated 04.02.2025 within a time frame as fixed by this Hon'ble Court .



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For Petitioner : Mr.S.Karthikeyan,

For Respondents : Mr.G.Rajaraman

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to issue a passport to the petitioner by considering his representation dated 04.02.2025.

2.The petitioner has made an application dated 04.10.2024 for issuance of passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication dated 14.10.2024, required an explanation from the petitioner. Challenging the same, this Writ Petition is filed.

3. The learned Government Advocate for the second respondent would submit that the matter is still pending in FIR stage and has not resulted in filing a final report.



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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 the 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 04.10.2024, for issuance of passport without reference to the FIR lodged against him and issue 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.



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7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

This Writ Petition is listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that in the order dated 17.03.2025, passed in W.P.(MD)No.4431 of 2025, the petitioner's name has been inadvertently mentioned as "S.Sujith Niranjan" instead of "B.Sujith Niranjan". Therefore, the learned counsel prays for necessary correction in the said order.

3. In view of the above, the Registry is directed to carry out the correction by substituting the name "B.Sujith Niranjan" in place of "S.Sujith Niranjan" in the order dated 17.03.2025 and issue a fresh copy of the corrected order forthwith.

30.06.2025

smn2



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