



*W.P.(MD)No.5455 of 2025*

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

**DATED: 27.03.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.5455 of 2025**

K.Vazhivittan

: Petitioner

Vs.

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

2. The State Through,  
The Inspector of Police,  
Avaniyapuram Police Station,  
Madurai District.

: Respondents

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 to renew / re-issue the petitioners passport bearing Passport No. N0068391 for a period of 10 years based on the petitioners application No. ARN 25-1000415573 dated 09.01.2025 pending before the Respondent No.1 in accordance with law within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.P. Prabhakar Pandian

For Respondents : Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R2



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## **ORDER**

The learned counsel for the petitioner brought to the notice of this Court that the writ petition has been disposed of by this Court on the ground that the FIR registered against the petitioner has culminated in the laying of a charge sheet and thereby, the petitioner has been directed to approach the trial Court for relief. The learned counsel for the petitioner further submitted that the case has not been taken on file so far and is still pending at the FIR stage. Hence, the present writ petition has been listed today under the caption "for being mentioned."

2. Therefore, the Registry is directed to issue a fresh order copy forthwith by deleting the paragraphs 4 to 8 of the earlier order dated 12.03.2025 and substituting them with the following paragraphs:

“4.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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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 09.01.2025, for issuance of passport without reference to the FIR lodged against her 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 four 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.”

**27.03.2025**

Index : Yes / No  
Internet : Yes / No  
PKN

To

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**VIVEK KUMAR SINGH, J.**

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