



W.P.(MD)No.8819 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8819 of 2025

P.George

: Petitioner

Vs.

1. The Passport Officer,
The Passport Office,
Bharathi Ulla Veethi,
Race Course Road,
Madurai - 625002.

2. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to issue a passport to the petitioner by considering his passport Application vide file No.MD2077136896324 dated 21.11.2024 within a stipulated period as prescribed by this Honourable court.

For Petitioner : Mr.P.Rengaraju

For Respondents : Mr.K.Govindarajan

DSGI for R1



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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 the passport to the petitioner in application No.MD2077136896324, dated 21.11.2024, within the time stipulated by this Court.

2.The petitioner has made an application dated 21.11.2024, for issuance of passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication dated 05.12.2024, 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 21.11.2024, 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.

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