



W.P.(MD)No.9429 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2025**

CORAM:

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

W.P.(MD)No.9429 of 2025
and WMP (MD) Nos.7048 of 2025

Rajasekar

: Petitioner

Vs.

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

2. State of Tamil Nadu,
Represented by the Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District,
In Crime No. 385/2015.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order in Policy Ref. No. 1801434_CRM-MDU passed by the 1st respondent dated 27.03.2024 and consequently issue direction to the 1st respondent to release the petitioner's passport in Passport No. S6957505.



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For Petitioner : Mr. K.Suyambulingabharathi

For Respondents : Mr.P.Arun Jayatram

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl. Side) for R2

ORDER

This writ petition has been filed challenging the impugned proceedings issued by the first respondent in Policy Ref. No. 1801434_CRM-MDU dated 27.03.2024 and for a consequential direction to the first respondent to release the petitioner's passport in Passport No. S6957505.

2. The learned counsel for the petitioner submitted that two FIRs have been registered against the petitioner, one of which, in Crime No.98 of 2018 has already been disposed and another case in Crime No.385 of 2015 is pending trial in SC No.30 of 2025 before the Special Court for SC/ ST Act Cases (PCR Court), Nagercoil and the petitioner has also been regularly appearing before the trial Court. Therefore, the impounding of the passport is in violation of Section 10 of the Passport Act, 1967.



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3. The learned counsel for the petitioner also relied upon the judgment of the Hon'ble Division Bench of this Court in W.A.No.277 of 2025, dated 30.01.2025, wherein this Court held as follows:

“3.The Writ Court has however dismissed the Writ Petition directing the petitioner to approach the Criminal Court where the Appeal is pending. We do not think we can sustain the order of the Writ Court. Impounding a passport is a very serious matter as it affects the right of free movement. A conviction made under Section 138 of the Negotiable Instruments Act, for a commercial offence between two individuals cannot be a ground for impounding of the Passport.”

4. The learned Government Advocate (Crl.) appearing for the second respondent would submit that the case in SC No.30 of 2025 on the file of the Special Court for SC/ ST Act Cases (PCR Court), Nagercoil is pending for trial.

5. Heard the learned counsel for the parties and perused the materials available on record.



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5. Considering the facts of the case and the provisions under the Passports Act, 1967, it is pertinent to note that the petitioner is currently facing charges under Sections 449, 342, 201, 149, 147 & 302 of IPC and Section 3(1)(iv), 3(1)(v) & 3(2)(v) of SC/ST Act. However, at this stage, the petitioner has not been convicted of any offence and the matter is still pending before the judicial authorities. However, this Court finds that impounding of the petitioner's passport is not sustainable under Section 10 of the Passport Act, 1967. Therefore, the impugned proceedings is liable to be set aside and accordingly, the proceeding issued by the first respondent dated 27.03.2024, is hereby set aside. Consequently, the first respondent is hereby directed to return the passport of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. It is also made clear that the petitioner shall diligently attend the trial proceedings and appear before the trial Court on all hearings, as directed by the trial Court. The petitioner shall not abscond or take any steps that would hinder or delay the ongoing legal proceedings. In the event of the petitioner being convicted or found guilty of any of the charges or if there are any developments in the case that warrant



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revocation of the passport, the first respondent is at liberty take necessary steps to revoke the passport in accordance with the law.

7. The petitioner, in para No.6 of his affidavit filed in support of this writ petition, has undertaken as follows:-

“06..... Further, I am regularly appeared in the trial Court on each hearing and most of the trial proceedings is already completed and I am ready to file an undertaking affidavit for my appearance before the trial Court.”

8. With the above observations and directions, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.04.2025

Index : Yes / No

NCC : Yes / No

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VIVEK KUMAR SINGH, J.

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To

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Tamil Nadu.
2. The Inspector of Police,
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