

W.P.(MD) No.16003 of 2025

C.SARAVANAN.,J

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The matter is listed today under the caption “for being mentioned”.

2. At the instance of the learned counsel for the petitioner, after perusing the Office Memorandum in File No.VI/401/1/5/2019 issued by the Ministry of External Affairs, PSP Division, dated 10.10.2019, the following line shall be added at the end of the paragraph No.6 of the order, dated 13.06.2025:

“The renewed passport shall be directly transferred to the learned Judicial Magistrate, Valliur to the file of C.C.No.136 of 2024. It is open for the petitioner to move a suitable application for retrieving the same, in case the petitioner proposes to travel abroad. In case such application is filed, the same will be considered and disposed of on merits by the said Court.”

3. Registry is directed to issue fresh order copy.

04.07.2025

apd



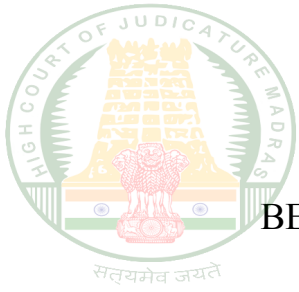
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apd

W.P.(MD) No.16003 of 2025

04.07.2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.06.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16003 of 2025

Karkuvel Iyyanar

... Petitioner

Vs

1. The Secretary,
Ministry of External Affairs,
South Block,
New Delhi - 110 011.

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

3. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District,
(Crime No. 390 of 2022).

4. The Inspector of Police,
Kulathur Police Station,
Kulathur,
Thoothukudi District,
(Crime No.310 of 2024).

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent Nos.1 and 2 to re-issue the passport to the petitioner, based on the petitioner's application in File Number MD2074381270522 within a stipulated time that may be fixed by this Court.

For petitioner : Mr. R.Karunanidhi

For respondents : Ms.S.Mahalakshmi

Central Government Standing Counsel for R1 & R2

Mr.K.Sanjai Gandhi

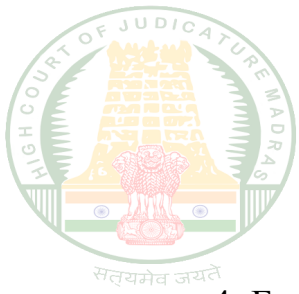
Government Advocate (Crl.Side) for R3 & R4

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, learned Central Government Standing Counsel for the respondents 1 and 2 and learned Government Advocate (Crl.Side) for the respondents 3 and 4.

2. The petitioner applied for renewal of passport, which expired in the year 2020 itself.

3. It appears that the petitioner was an accused in Malaysia. However, the petitioner was acquitted by the High Court of Malaysia at Seremban *vide* order, dated 15.05.2019 in Crl. Trial No.NA-45A-2-03/2018.



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4. Further, it appears that the petitioner has also been an accused in Crime No. 390 of 2022 before the third respondent, in respect of which charge sheet has been filed before the learned Judicial Magistrate, Vallur in C.C.No.136 of 2024. The petitioner has also an accused in Crime No.310 of 2024 dated 19.11.2024 before the fourth respondent and another case in Crime No.9 of 2023 is also pending against the petitioner.

5. Law on the subject is settled that renewal of passport cannot be denied merely because of the petitioner is an accused in criminal cases. In this connection, in the decision of the Division Bench of this Court in W.A.No.902 of 2023 (***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another***) dated 02.06.2023, it has been held as follows:-

“6.The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7.In the light of the above, we pass the following order: (i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is



travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending. (ii) Decision shall be taken as above, within one month."

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6. Having considered the submissions made by the learned counsel for the petitioner and the respondents 3 and 4, this Court is of the view that the impugned order is un-sustainable. Therefore, the impugned order is quashed with a direction to the second respondent to renew the passport of the petitioner.

7. With the aforesaid directions, the Writ Petition stands allowed. No costs.

Index : Yes / No

13.06.2025

Internet : Yes / No

apd

To

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

2. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

3. The Inspector of Police,
Kulathur Police Station,
Kulathur,
Thoothukudi District,

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