



W.P.(MD)No.13030 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.13030 of 2025

S.Ponmani

: Petitioner

Vs.

1. The Regional Passport Officer,
Madurai Regional Passport Office,
Race Course Road,
Madurai.

2. The State
Rep by Inspector Of Police,
Keelavalavu Police Station,
Keelavalavu, Melur,
Madurai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to issue passport to the petitioner on his application dated 30.12.2024, pending in File No.1067252436924, based on the petitioners representation sent to the 1st respondent.

For Petitioner : Mr.S.Arunnithy

For Respondents : Mr.P.Santhosh Kumar



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CGSC for R1

Mr.K.Gunasekaran

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.1067252436924, dated 30.12.2024, within the time stipulated by this Court.

2.The petitioner submitted an application dated 30.12.2024 to the first respondent seeking for issuance of a passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication dated 03.02.2025, required an explanation from the petitioner. Challenging the same, this Writ Petition is filed.

3. The learned Government Advocate appearing for the second respondent would submit that no case is pending against the petitioner.



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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. It is pertinent to state that Right to travel abroad is a “fundamental right”.

6. In view of the aforesaid proposition of law and also taking note of the submission made by the learned Government Advocate (Crl.), the first respondent is directed to consider the application of the petitioner dated 30.12.2024 and issue passport, if he is otherwise eligible for the same. It is also made clear that 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.

29.04.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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