

W.P.(MD) No.15449 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

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THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.15449 of 2025

Velmurugan

... Petitioner

Vs.

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

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

... Respondents

(R2 was *suo motu* impleaded vide court order dated
10.06.2025)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to renew the passport of the petitioner based on his renewal cum re-issue application No.MD1077577086325 dated 28.04.2025 within a time frame fixed by this Court.

For Petitioner : Mr.S.Mohamed Kadhar



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For R1 : Mr.Su.Sampath Kumar
Central Government Standing Counsel

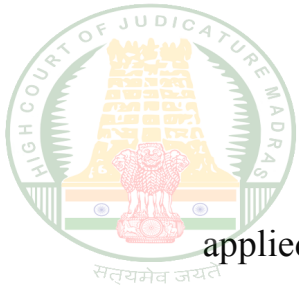
For R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to renew the petitioner's passport based on his renewal-cum-reissue application No. MD1077577086325, dated 28.04.2025, within a time frame to be fixed by this Court.

2. The petitioner is an accused in Crime No. 423 of 2023 registered by the second respondent for offences punishable under Sections 279 and 337 of the IPC.

3. It is confirmed by the learned Government Advocate (Criminal Side) appearing for the second respondent that the investigation is not yet complete and the charge sheet has not been filed. The facts on record indicate that the petitioner was the holder of Passport No.E1672773, which was valid from 06.04.2002 to 05.04.2012. Thereafter, the petitioner



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applied for a fresh passport. However, due to the pendency of the FIR in

Crime No. 423 of 2023, the first respondent has not issued the passport.

4. The law on the subject is clear. Under Section 6(2)(f) of the Passports Act, 1967, only where criminal case is pending before the Court, the issuance of the passport can be denied. As a matter of fact, Notification No.VI/401/37/79 dated 25.08.1993 has also been issued by Ministry of External Affairs, wherein, it has been clarified as follows:

G.S.R.570 (E) - In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) The passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or



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(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.”

5. Considering the same, there shall be a direction to the first respondent to process the application filed by the petitioner for issuance of passport within a period of one week from today. However, the



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petitioner shall give an undertaking as is contemplated in Clause (d) of the aforesaid Notification dated 25.08.1993 and shall be present before the Court as and when charge sheet is filed against him in connection with the Crime No.423 of 2023.

6. Accordingly, this Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Speaking Order / Non-Speaking Order

To

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2.The Inspector of Police,
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C.SARAVANAN, J.

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