



W.P.(MD) No.16510 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16510 of 2025

Siva

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Trichy Municipal Office Building,
Thillai Nagar 7th Cross,
Trichy 620 018.

2. The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to renew the petitioner's Passport in Passport No.L3677209 in reference to the reopen of the petitioner's Application No.TR2076347293124 on the file of the first respondent Authorities, by considering the Petitioner's representation, dated 14.05.2025.



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For petitioner : Mr. E.Balasubramanian

For respondents : Mr.P.M.Vishnu Varthanan
Central Government Standing Counsel for R1
Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

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 first respondent and learned Government Advocate (Crl.Side) for the second respondent.

2. The petitioner appears to be involved in at least two cases, out of which a case in Crime No.56 of 2019 was registered against the petitioner for the offences under Sections 143, 341 of IPC and another case in Crime No.255 of 2020 registered for the offences under Sections 379 of IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957.

3. As far as FIR in Crime No.56 of 2019, dated 22.04.2019 is concerned, it



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is informed that the charge sheet has been filed before the learned Judicial Magistrate, Thirumayam.

4. As per Section 6(2)(b) of the Passport Act, 1967, there is an impediment on the first respondent to issue passport, if a case is pending before the Criminal Court. Since charge sheet has not yet been taken on file and no charges has been framed till date, there can be no impediment for issuance of the passport to the petitioner. Further, the passport has to be issued to the petitioner, as there cannot be an impediment for renewal on terms of the Hon'ble Division Bench of this Court in ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another*** (W.A.No.902 of 2023, dated 02.06.2023), wherein it has been held as under:

“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



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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.”

5. Considering the above decision of this Court, there shall be a positive direction to the first respondent to renew the passport of the petitioner. However, the passport shall be kept in the custody of the learned Judicial Magistrate, Thirumayam.

6. It is for the petitioner to apply for appropriate orders for release of the passport in case the petitioner deserves to travel abroad.

7. This Writ Petition is disposed of with above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

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