



W.P.(MD).No.16619 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).No.16619 of 2025

Vinayagam

.. Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to renew the petitioner's passport No.Z2251641 based on the petitioner's application in File No.MD1075167408625 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.K.Sathish Kumar
For R-1 : Mr.K.Maharajan
Central Government Standing Counsel
For R-2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed for Mandamus to direct the first respondent to renew the petitioner's passport No.Z2251641 based on the petitioner's application in File No.MD1075167408625 within the time limit that may be stipulated by this Court.

2. There seems to be a matrimonial dispute between the petitioner and his wife in respect of which an FIR was registered in Crime No.33/2023 by the second respondent under Section 498A of IPC. The same has been taken on file in C.C.No.250 of 2024 before the Additional Mahila Court, Madurai. The case is listed for appearance of the accused. The petitioner is arrayed as A4 and the other accused are the petitioner's father, mother and sister.

3. Since the petitioner was already holding a passport earlier, which has expired on 27.12.2022, there cannot be any impediment in directing the



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respondents to issue a fresh passport to the petitioner in terms of the decision of

the Division Bench in **W.A.No.902 of 2023 (The Regional Passport Officer,**

Chennai Vs. Samsudeen Mohamed Salih and another) dated 02.06.2023,

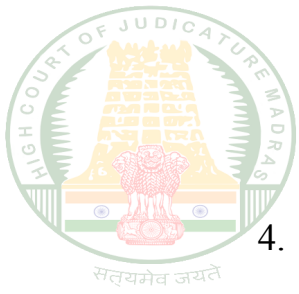
wherein, it has been held as follows:-

“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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4. However, it is informed by the learned Central Government Standing Counsel for the first respondent that the petitioner's file was closed on 15.04.2024. By way of rejoinder, the learned counsel for the petitioner would submit that a fresh application was filed on 11.06.2025 and it is in respect of this application, the petitioner has filed this Writ Petition.

5. Considering the above, there shall be a direction to the first respondent to process the petitioner's passport application, which is said to have been filed on 11.06.2025, within a period of six (6) weeks from the date of receipt of a copy of this order. The passport shall be directly kept in the file of C.C.No.250 of 2024 before the Additional Mahila Court, Madurai. It is open for the petitioner to take steps to retrieve the same, in case the petitioner wants to travel abroad, by filing suitable application before the concerned Court before the conclusion of the trial.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

20.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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C.SARAVANAN,J.

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