

W.P.(MD)No.17120 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.17120 of 2025

Sundararaj

... Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs Department,
4095, A-Wing,
Jawaharlal Nehru Bhavan,
23-D, Janpath, New Delhi 110 001.

2. The Immigration Authority,
Trichy District.

3. The Regional Passport officer,
The Regional Passport Office,
Tiruchirappalli,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli 620 018.

4. The Deputy Superintendent of Police,
Q - Branch CID,
Thanjavur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the 2nd respondent to permit the petitioner to travel to the abroad for his business by using the petitioner passport No. Z6444634 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

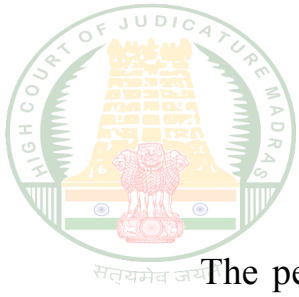
For Petitioner	: Mr.K.Mahendran
For R1 to R3	: Mr.M.Mahendra Prabhu Central Government Standing Counsel
For R4	: Mr.S.Prakash Government Advocate (Crl.Side)

ORDER

The writ petition is filed seeking a mandamus to the 2nd respondent to permit the petitioner to travel abroad on business using his passport bearing No.Z6444634.

2. The facts as set out in the affidavit filed in support of the writ petition are as follows:-

The petitioner would submit that he is running an agency in the name of Sakthi International Import and Export, of which he is the sole proprietor. He would submit that his agency is registered and license has been issued by the Department on Ministry of Commerce and Industry.



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The petitioner would submit that he does trade in countries like France, Italy, Sweeden, Poland, Greece, Netherland and Switzerland etc. While so, on 27.01.2024, FIR was registered against the petitioner and 8 others by the 3rd respondent in Cr.No.1 of 2024. Pursuant to which, the petitioner was remanded and was in judicial custody. Thereafter, he was ordered to be released on bail by the learned Principal Session Judge, Thanjavur by order dated 18.06.2024 in CrI.M.P.No.4323 of 2024. The petitioner would submit that he has been falsely implicated and he has been defending the case. Meanwhile, the 3rd respondent had taken out an application under Section 97 of the Bharatiya Nagarik Suraksha Sanhita, having the acronym BNSS, before the learned Judicial Magistrate Pattukkottai in CrI.M.P.No. 2480 of 2024, seeking a direction to the petitioner to handover his passport to the Court and direct the 2nd respondent to revoke the passport. This application was dismissed by an order dated 16.08.2024.

3. Since the petition was dismissed and as the 3rd respondent had not taken any further action, the petitioner decided to restart his IEC Agency for which a proposal had come from Malaysia. The petitioner with a view to doing business had booked a round ticket from Chennai to Malaysia



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and back. The date of journey was on 16.04.2024 and the petitioner was to board from the Trichy Airport. However, to the utter shock and surprise of the petitioner, he was not permitted to travel and his journey was cancelled with an endorsement being made on the passport. It was only then that he came to learn that he was not permitted to travel on account of criminal case pending against him. The petitioner would submit that the criminal case is still pending and final report is yet to be filed. The petitioner would submit that he has sufficient property in and around Thanjavur and the value is more than Rs.3,00,00,000/-, While the petitioner's wife and unmarried daughter live with him and they have permanent residence at Thanjavur. Aggrieved by this action, the petitioner has come forward to file the above writ petition.

4. A counter statement has been filed by the 4th respondent on 19.08.2025, in which the 4th respondent would submit that on the basis of secret information received, the defacto complainant one S.Prabakaran, Inspector of Police, Q Branch CID, Thanjavur was investigating a complaint relating to issue of forged passports. Some of the accused were arrested and were secured and handed over to the police. The 4th



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respondent would submit that the petitioner runs a passport agency and he along with the accused persons have conspired together and obtained 48 Indian passports for Sri Lankan Tamil Nationals using fake ID Proofs like Aadhar, Pan, School Certificate, Mark Sheet etc.

5. The 4th respondent would further submit that during this time the petitioner was absconding and a surveillance was initiated on the basis of his passport details from 14.02.2024 and a Look Out Circular (LOC) was also issued. As already stated, the petitioner was arrested, remanded to judicial custody and thereafter, released on conditional bail. One of the conditions imposed was that the petitioner shall be available for interrogation as and when required and that he should send a compliance report to the Court. The 4th respondent would submit that if the petitioner is permitted to travel abroad it would be a violation of the bail condition. They also have reliable information that the petitioner has close contacts with the Srilankan Tamil Nationals residing abroad and it is using these contacts the petitioner was issuing forged documents. If he is permitted to travel abroad then it would be a chance for him to continue the same activities. He would further submit that the petitioner cannot be permitted to travel abroad till the investigation is over and report is submitted.



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6. Today a status report has been submitted by the 4th respondent, wherein they have stated as follows:-

“26. It is humbly submitted that a summon u/s 41A Cr.P.C was served to one SLT Keerthana on 11.08.2025 to appear before the investigation officer for enquiry on 11.08.2025. Following that the SLT Keerthana appeared before the investigation officer along with her mother and the preliminary enquiry reveals the involvement in the said crime and there existed a strong prima facie material to show that she is a foreign national. Hence, she was arrested on the same day and sent for judicial custody.

27. In this case, the Senior Passport Assistants A16 Vasanthi, A17 Devika and A18 Ramu conspired with the accused with the intention of gaining money and they wrongly verified the applications without proper enquiry due to which Sri Lankan Tamils were able to obtain Indian Passports. Furthermore, call audio recordings of the verifying officers with the accused are available in addition to the money transaction as strong evidences against them. Call audio recordings received from RFSL Trichy are being analyzed.”

7. Serious allegations of creating and issuing forged documents to the Srilankan Tamil Nationals has been made against the petitioner and the investigation is on going. It is also stated that this activity is being carried out with the help of persons living abroad and the investigating authorities reliably learn that the purpose of the petitioner travelling abroad is for this very same reason.



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8. That apart, the bail condition clearly provides that the petitioner should be available as and when required for interrogation. The petitioner has not approached the Judicial Magistrate Pattukkottai prior to preparing to go abroad. In these circumstances and taking into account the seriousness of the offences alleged, the mandamus sought for cannot be granted, more particularly when investigation is under way. It is also reported by the Investigating Officer that the investigation is likely to be completed within three (3) months time period.

9. In view of the above, the writ petition stands dismissed. It is needless to state that after the investigation, the petitioner can once again apply for permission to travel abroad before the Judicial Magistrate Pattukkottai, if he intends to travel abroad. No costs.

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NCC :yes/No
Index :yes/No
Internet:yes/No
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P.T.ASHA, J.

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To

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