



W.P.(MD) No. 17162 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 17162 of 2025

T.Mohanraj

... Petitioner

Vs

1. The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

2. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai 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 re-issue the petitioner's passport in passport bearing No. Z3515483, dated 03.03.2016, based on the petitioner's Application No. MD1077526035925 on 01.04.2025.



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For petitioner : Mr.J.Jeyakumaran

For respondents : Mr.S.S.Sundara Pandian
Central Government Standing Counsel for R1
Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R2

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 has approached this Court for a Mandamus to direct the first respondent to re-issue the petitioner's passport in passport bearing No. Z3515483, dated 03.03.2016, based on the petitioner's Application No. MD1077526035925 on 01.04.2025.

3. The learned Government Advocate (Crl.Side) for the second respondent submits that the petitioner is an accused person in two FIRs, which have been lodged in Crime No.393 of 2024, dated 09.09.2024, for the offences under



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Section 4(1)(a) of the Tamil Nadu Prohibition Act, 1937 and in Crime No.102 of 2021, for the offences under Sections 143, 151, 289, 290, 291, 336 of IPC and 11(1)(d) of CTA Act.

4. It is informed by the learned Government Advocate (Crl.Side) for the second respondent that as far as the first FIR in Crime No.393 of 2024 is concerned, the charge sheet has been filed before the Judicial Magistrate Court No.I, Sivagangai as early as 15.05.2025 by way of e-filing.

5. Considering the same, there cannot be any direction to the first respondent to renew the passport of the petitioner in view of Section 6(2)(f) of the Passport Act, 1967. However, it is noticed that the Hon'ble Division Bench of this Court following the decision of the Bombay High Court in ***Abbas Hatimbhai Kagalwala vs. State of Maharashtra and another*** reported in ***2022 SCC Online Bom 1992*** in the case of the ***Regional Passport Officer vs. Samsudeen Mohamed Salih (W.A.No.902 of 2023, dated 02.06.2023)*** had ordered 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



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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.”

6. In view of the above, there shall be a direction to the first respondent to process the passport application of the petitioner. However, the passport shall be handed over to the concerned Magistrate. In case, the petitioner desires to travel abroad, the petitioner may move suitable application for obtaining passport from the concerned Magistrate.

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

Index : Yes / No

Internet : Yes / No

apd

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C.SARAVANAN, J.

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