



W.P(MD)No.17298 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.17298 of 2025

P.Pasumpon

... Petitioner

Vs.

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

2.The Inspector of Police,
Kottampatti Police Station,
Melur Taluk,
Madurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to renewal of the petitioner's passport bearing No.B6431002 by considering his application No.MD1075148753425 dated 31.05.2025 and for other reliefs within a period stipulated by this Court.

For Petitioner

: Mr.S.Atham Ali

For R1

: Mr.R.M.Arun Swaminathan
Central Government Standing Counsel



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For R2

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

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ORDER

This writ petition has been filed for a Mandamus to direct the first respondent to renew the petitioner's passport bearing No.B6431002, by considering his application No.MD1075148753425, dated 31.05.2025.

2. The petitioner has been arrayed as the third accused in the FIR registered in Crime No.163 of 2022 on 31.05.2022 before the second respondent against the petitioner and others.

3. The learned Government Advocate for the second respondent submits that a charge sheet has been filed and the same has been taken on record as C.C.No.111 of 2023 on the file of the Judicial Magistrate, Melur for offences under Sections 294 (b), 323, 324 and 506 (2) of IPC, 1860.

4. The learned Central Government Standing Counsel for the first respondent submits that the petitioner is the holder of a passport issued on 19.10.2023, which was valid upto 18.10.2024. It is further submitted that since the petitioner's passport had earlier expired, the petitioner had made an



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application for renewal of the same. Since the passport was not renewed, the petitioner approached this Court in W.P(MD)No.11800/2023 and by order dated 19.03.2023, this Court disposed of the said writ petition with the following observations:

5. The first respondent may therefore, issue notice to the petitioner herein and get an undertaking about the proceedings in C.C.No. 111 of 2023 and that if ever he wants to go to abroad, he must get permission from the Judicial Magistrate, Melur, where the calendar case is now pending and if it has ended in acquittal, then such obligation is not 3/6 <https://www.mhc.tn.gov.in/judis> W.P.(MD).No. 11800 of 2023 required. If it is ended in conviction, then, if the petitioner prefers a further appeal, then from that Appellate Court, the petitioner must get permission, if he wants to go abroad. With those conditions, the first respondent may proceed to renew the passport of the petitioner herein. The renewal of passport is to be effected within a period of eight weeks from the date of receipt of a copy of this order.

5. Since the case was taken on file on the Judicial Magistrate, Melur in C.C.No.111 of 2023, there is no scope for granting renewal of the passport.

6. The learned counsel for the petitioner would rely on the decision of this Court in the case of ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and others, dated 02.06.2023 (W.A.No.902 of 2023).***

7. The learned Central Government Standing Counsel for the first respondent has drawn attention to the Office Memorandum, dated 10.10.2019,



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issued by the Ministry of External Affairs, PSP Division, wherein, the following

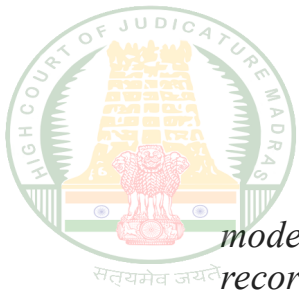
stipulations have been given for renewal of the passport.

“ 5. In view of the above, the following instructions may be adopted while processing the passport applications in respect of those applicants who may have criminal proceedings pending before a criminal court in India:

(i) The provisions of GSR 570(E) may be strictly applied in all cases. GSR 570(E) is a statutory notification and hence forms part of the Rules. It is to be noted that as per Section 5(2) of the Passports Act, 1967, the passport authority shall by order in writing take a decision whether to issue or refuse a passport, after making such inquiry, if any, as it may consider necessary. Moreover, Section 7 of the Passports Act, provides that a passport or travel document may be issued for a shorter period than the prescribed period if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period. Rule 12 of the Passport Rules, 1980 only states that an ordinary passport shall be in force for a period of 10 years which implies that an ordinary passport cannot be issued beyond a period of 10 years.

(ii) Whenever an applicant is submitting a 'No Objection Certificate' (NOC) from a Court of law in India, the applicant should be advised that undertaking as per GSR 570(E) should be complete in all respects and should mention all the pending criminal cases against the applicant. The undertaking will have a note clearly stating that if any false or incomplete information is submitted by an applicant, then his passport application is liable to be rejected.

(iii) Extant instructions clearly lay down that such applications should be processed on pre-Police Verification (PV) mode. "Pre-PV" would be mandatory in all cases of applications submitted with GSR 570(E) to ensure that the undertaking submitted by the applicant is properly matched with the criminal cases mentioned in the Police Verification Report (PVR). Hence, such applications should not be accepted under Tatkaal nor such applications be moved to "post-PV"



mode or "No-PV" mode without proper justification and approval to be recorded in writing.

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(iv) If an undertaking is incomplete or misleading and the applicant is found to have suppressed details of other criminal cases against the applicant, a Show Cause Notice should be issued to the applicant and action initiated against that applicant as per provisions of Section 12 of the Passports Act, 1967. If information that an applicant has obtained a passport by making a false submission or by suppressing material facts comes to light after the passport has been issued, the passport may be impounded or revoked as per provision of Section 10(3) (b) of the Passports Act, 1967, after following the due procedure.

(v) In case where the first Police Verification(PV) is 'Adverse', secondary police verification may be generated. While a secondary PV is generated, it should be accompanied by a detailed letter seeking clarification regarding the pending criminal cases against the applicant and the status of these cases. Apart from generating secondary PVR, the passport officers may, if considered necessary, call for discreet enquiry through the police authorities by sending the court order submitted by the applicant or even seek verification from other government agencies/departments, as the case may be.

(vi) In case where the secondary Police Verification is also 'Adverse', it may be examined whether the details brought out in the police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same.

(vii) If the details given in the police report and the undertaking submitted by the applicant are matching, then the 'No Objection Certificate' issued by a Court of law submitted by the applicant would take precedence over any 'Adverse' report submitted by the police. In such cases, the 'Adverse' report may be overruled with the written approval of the Passport Officer.



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(viii) *If the details given in the PVR and the undertaking submitted by the applicant are at variance, then a notice may be issued to the applicant calling for clarification and advising the applicant to submit details of all pending criminal cases as well as to submit a revised No Objection Certificate (NOC).*

(ix) *If it is brought to the notice of the authority that an applicant has criminal proceedings arrayed against applicant before several courts of law, then the applicant may be advised to get NOC from all the concerned court(s). Normally, the Court Order would make a mention of the cases pending against the applicant as well as the prayer made by the applicant. This may be examined along with the undertaking submitted by the applicant and complaints or other court orders, if any, that may have been received against the applicant.*

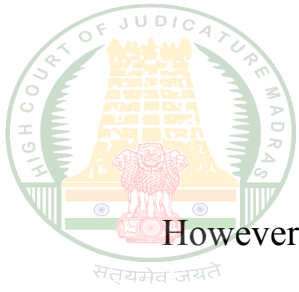
(x) *It may noted that GSR 570(E) only exempts an applicant from the operation of Section 6(2)(f) and none of the other sub-sections of Section 6(2) of the Passports Act, 1967.*

(xi) *A revised Undertaking under GSR 570(E) is attached at Annexure A'.*

(xii) *Passport Officers may issue an internal SOP along the above lines so that there is no confusion in handling of applications that would attract provisions of section 6(2)(f) of the Passports Act, 1967.*

6. The above instructions may be noted for strict compliance with immediate effect."

8. In view of the decision of the Division Bench of this Court in the case of ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and others*** and in view of the Office Memorandum dated 10.10.2019, there shall be a direction to the first respondent to renew the passport of the petitioner.



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However, the passport shall be kept in the custody of the Judicial Magistrate, Melur in C.C.No.111 of 2023. In case, the petitioner desires to travel abroad, the petitioner shall file suitable application for release of the passport from the concerned Court.

9. With the above direction, the writ petition stands disposed of. No costs.

26.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Regional Passport Officer,
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Madurai - 625 002.
- 2.The Inspector of Police,
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C.SARAVANAN, J.

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