



W.P.(MD) No.17383 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17383 of 2025

Thangapandi

... Petitioner

Vs

1. The Regional Passport Officer
Regional Passport Office,
Bharathi Ula Street, Race Course Road,
Madurai.
2. The Inspector of Police
Thirukostiyur Police Station,
Sivagangai District.
3. The Inspector of Police
Kundrakudi Police Station,
Sivagangai District.
4. The Inspector of Police
Thirupathur Town Police Station,
Sivagangai District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing to the 1st respondent to Re-issue of the petitioner's passport bearing No.M7338308 on the basis of the petitioner's application File No.MD1075051726825 based on the petitioner's representation dated 16.06.2024 within the time stipulated by this Court.

For petitioner : Mr.A.Banumathy

For respondents : Mr.S.Poornachandran
Central Government Standing Counsel for R1

:Mr.K.Sanjai Gandhi
Government Advocate(Crl. Side)
for R2 to R4

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.



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2. It is noticed that the petitioner is an accused person in the following four FIRs which have been registered against the petitioner. Details of the respective FIR and the status are as under:

Sl.No.	Rank of the accused / Petitioner	FIR	Case
1.	A2	Crime No.103/2023	STC.No.63/2024
2.	A4	Crime No.62/2024	Deleted
3.	A1	Crime No.26/2024	Charge sheet filed before JM-Thirupathur on 01/05/2025
4.	A4	Crime No.174/2024	STC.No.579/2024

2. In view of the above, there cannot be a direction to the first respondent to process the renewal application filed by the petitioner in view of the provisions contained in Section 6(2)(b) of the Passport Act, 1967. 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



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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 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.”

3. 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, Thiruppathur.

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



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

26.06.2025

Index : Yes / No
Internet : Yes / No
PJM

To

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
2. The Inspector of Police,
Melur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN, J.

PJL

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