



W.P.(MD) No.17377 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17377 of 2025

K.Aliyan

... Petitioner

Vs

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.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to renew the petitioner's passport bearing No.L4920530 on the basis of the petitioner's representation dated 23.04.2025 within the time limit to be stipulated by this Court.



W.P.(MD) No.17377 of 2025

WEB COPY

For petitioner : Mr.A.B.Jeeva

For respondents : Mr.R.Paranjothi

Central Government Standing Counsel for R1

:Mr.K.Sanjai Gandhi

Government Advocate(Crl. Side) for R2

ORDER

It is noticed that the petitioner is the sole accused in Crime No.1603 of 2020 dated 12.08.2020 for the offence under Sections 279 and 337 IPC. Later the offence was altered into Sections 279 and 304(A) IPC.

2. The learned Government Advocate (Crl. Side) would submit that the charge sheet has been filed and the case has been taken on record by the learned Judicial Magistrate, Melur in C.C.No.151 of 2022 and listed for hearing on 08.06.2025 and the same is adjourned to 30.06.2025 for issuance of summons. Since the charge sheet has been already framed, there cannot be a direction to renew the passport and the same has to be handed over directly to the petitioner as held by the Division Bench of this Court in The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another (W.A.No.902 of 2023, dated



W.P.(MD) No.17377 of 2025

WEB COPY

02.06.2023). The relevant portion is extracted hereunder:

“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, Melur.

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



W.P.(MD) No.17377 of 2025

WEB COPY

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.



WEB COPY



W.P.(MD) No.17377 of 2025



WEB COPY



W.P.(MD) No.17377 of 2025

C.SARAVANAN, J.

PJL

W.P.(MD) No.17377 of 2025

26.06.2025