



W.P.(MD).No.17837 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).No.17837 of 2025

Rajkumar

.. Petitioner

Vs.

1.The Regional Passport Officer,
O/o. the Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Parthipanoor Police Station,
Ramanathapuram District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to renew the petitioner passport by proceeding the application No.MDA077584034125 within a stipulated time period in accordance with law on the basis of the explanation-cum-representation dated 24.06.2025.

For Petitioner : Mr.M.Sivashankar

For R-1 : Mr.M.Gnanagurunathan
Central Government Standing Counsel

For R-2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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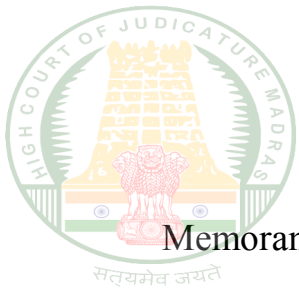
ORDER

This Writ Petition is filed for Mandamus to direct the first respondent to renew the petitioner's passport by proceeding the application No.MDA077584034125 within a stipulated time period in accordance with law on the basis of the explanation-cum-representation dated 24.06.2025.

2. The petitioner is arrayed as 61st accused in an FIR registered in Crime No.159/2023 dated 05.06.2023 by the second respondent for the offences under Section 143 and 341 of IPC, 1860.

3. It is informed by the learned Government Advocate appearing for the second respondent that a charge sheet has been filed and the case has been taken on the file of the learned Judicial Magistrate, Paramakudi in S.T.C.No.42/2025.

4. As per the decision of the the Division Bench in W.A.No.902 of 2023 (The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another) dated 02.06.2023, there cannot be any order restraining the respondents from renewing the passport although there is a bar under Section 6(2)(f) of the Passport Act, 1967. The Government has also issued a Office



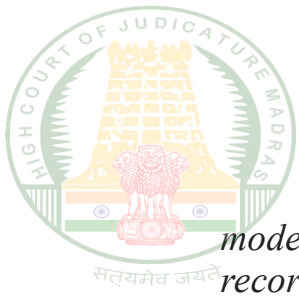
Memorandum dated 10.10.2019, wherein, the following stipulations have been given for renewal of the passport:

"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.*

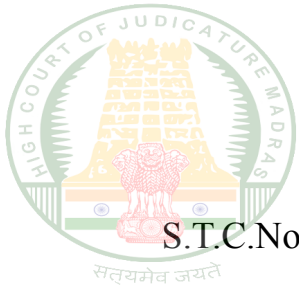
(x) *It may noted that GSR 570(E) only exempts an applicant from the operation of Section 6(2)(f) and none of the other sub-sections of Section 6(2) of the Passports Act, 1967.*

(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."

5. Considering the above, there shall be a direction to the first respondent to renew the passport of the petitioner pursuant to the application dated 02.05.2025 and representation dated 24.06.2025. However, the passport shall be directly sent to the file of the learned Judicial Magistrate, Paramakudi in



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S.T.C.No.42 of 2025. In case the petitioner decides to travel abroad, the

petitioner may file a suitable application for retrieving the same.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

02.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The Regional Passport Officer,
O/o. the Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2.The Inspector of Police,
Parthipanoor Police Station,
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C.SARAVANAN,J.

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