

W.P.(MD).No.18549 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) No.18549 of 2025

Ulaganathan.S

... Petitioner

Vs.

**The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.**

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned communication passed by the respondent in his proceedings in 2400371_CPC_MDU/2402222_CRM_MDU, dated 29.05.2025 and quash the same.

For Petitioner

: Mr.B.Prahalad Ravi

For Respondent

: Mr.P.Veerapandi

Central Government Standing Counsel



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ORDER

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This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner before this Court is against the impugned order, dated 29.05.2025 passed by the first respondent in connection with the petitioner's passport application No.MD1066623706124, dated 06.06.2024, content of which is extracted here under:

“Vide this office detailed letter dated 14.11.2024 followed by reminder letters dated 30.12.2024 and dated 27.01.2025, it is specifically mentioned that the criminal case registered against you has been charge sheeted and pending trial against you which attracts section 6(2)(f) of Indian Passports Act, 1967 and therefore, informed to produce the case related documents (order if any, from Court concered permitting you to travel abroad or Order if any, on the disposal of the Criminal case pending trial against you in C.C.No.2403 of 2022).

Since your passport application attracts Section 6(2)(f) of Indian Passports Act, 1967 and the same is pending for a long period of time. You are therefore,



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informed to produce either order on disposal of the criminal case(s) registered against you or order if any in possession, from the Court concerned permitting you to travel abroad, within 15 days from the date of receipt of this final reminder.

After the above mentioned stipulated period of time, your application will be treated as closed in view of efflux of time. However, application for passport if any, submitted afresh disclosing the previous application / closure application reference number, with the copies of requisite document/court order and thereafter, your new application will be processed in accordance with the provisions of Indian Passports Act, 1967.

This is issued in pursuance of the order of the Hon'ble Madurai Bench of Madras High Court in W.P(MD) No.22109 of 2024.”

3. It is noticed that the petitioner is an accused person in C.C.No.2403 of 2022 on the file of the learned Judicial Magistrate V, Madurai and also accused in C.C.No.43 of 2017 on the file of the learned Judicial Magistrate, Karaikudi and pursuant to the registration of First Information Report against the petitioner in Crime No.2 of 2005, charge sheet was filed before the District Court, Sivagangai and the said case was ended in acquittal against the petitioner



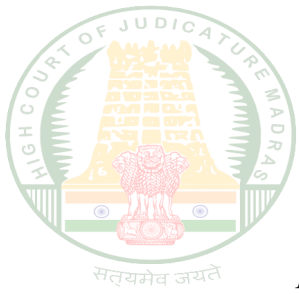
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4. It is the case of the petitioner that without giving sufficient time to the petitioner, the petitioner's application is sought to be closed in the absence of the order of the concerned Judicial Magistrate.

5. It is submitted that under similar circumstances, this Court has intervened by observing that right to travel is a fundamental right and a reference is made to the order of this Court, dated 18.12.2024 in W.P(MD) No.30704 of 2024 in the case of one **D.Thangaraja pandian Vs. Regional Passport Officer, Madurai**, wherein the Court has held as under:

5. The petitioner is given liberty to move the learned Judicial Magistrate No.II, Ramanathapuram, for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. The learned Trial Judge shall bear in mind that right to travel abroad is a fundamental right and the petitioner's career and avocation may be at stake, if he is denied the right to go abroad. Therefore, the learned Trial Court, unless there are extraordinary circumstances, shall not deny such relief. Of course, the period of validity of



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passport will have to be restricted. It is also open to the learned Trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence in India. If necessary, the applicant can be directed to file an application under Section 228 of Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.

6. Based on the order passed by the learned Trial Court, the petitioner shall move the jurisdictional Regional Passport Officer, who shall dispose of the petition~mentioned application in terms of the said order, within a period of three weeks after such application is filed.

7. This Writ Petition is allowed on these terms and the impugned order dated 21.06.2024 passed by the respondent is set aside. There shall be no order as to costs.

6. Having considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondents, this Court is inclined to dispose this Writ Petition by permitting the petitioner to approach concerned Judicial Magistrate Court for appropriate orders for directing the respondent to process the petitioner's passport application under the Proviso to Section 7 of the Indian Passport Act, 1967. In case favourable orders are passed, the petitioner's application shall stand revived and processed accordingly.



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7. With the above said liberty, this Writ Petition is disposed of. No costs.

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

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To

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
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C.SARAVANAN, J.

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