



W.P.(MD) No. 19163 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 19163 of 2025

R.Vijayan

... Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 23.03.2022 passed by the respondent and quash the same and consequently, direct the respondent to return the passport bearing No. U8768848 to the petitioner within the time as may be stipulated by this Court.

For petitioner : Mr. B.Vijaykarthikeyan

For respondent : Mr. R.Senthil Kumar
Central Government Standing Counsel



W.P.(MD) No. 19163 of 2025

WEB COPY

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Central Government Standing Counsel for the respondent.

2. The petitioner is a former employee of Customs Department and has been proceeded in C.C.No.3 of 2013 pursuant to an FIR registered in Crime No.RC MA1 2012 A00006, under Sections 120-B r/w 420 IPC and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

3. It appears that the petitioner was holding a valid passport for a period of 10 years between 15.06.2010 and 14.06.2020. During the pendency of the aforesaid criminal case before the II Additional District Court (CBI Cases), Madurai, the petitioner has applied for a fresh passport on 08.10.2021, which was processed to issue to the petitioner on 20.10.2021 with the validity period of 10 years upto 19.10.2031. The petitioner appears to have also disclosed the fact about pending of the criminal case against him in C.C.No.3 of 2013 before the aforesaid Court for the aforesaid offences with the respondent.



W.P.(MD) No. 19163 of 2025

WEB COPY

4. It appears that after scrutinizing the same only, the passport was also issued to the petitioner on 20.10.2021. However, when the petitioner was travelling to Nepal, the petitioner was intercepted and passport was seized by the second respondent/Passport Authority at Delhi on 07.05.2025.

5. The learned counsel for the petitioner submits that the petitioner, merely, went to travel to Nepal to visit Mukthinath Temple, unaware of the fact that the petitioner was not required to carry the passport. It is submitted that the petitioner is a law abiding citizen and there is no intention to travel abroad to evade the criminal proceedings against the petitioner in C.C.No.3 of 2013 pending before the said Court.

6. The case of the petitioner appears to be covered by the decision of the Hon'ble Supreme Court in ***Menaka Gandhi vs. Union of India reported in 1978 AIR 597***, wherein it has been held that the citizens has right to travel abroad and therefore, the passport cannot be seized. In fact, the renewal of passport has also been ordered by the Division Bench of this Court in ***the Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another (W.A.No.902 of***



W.P.(MD) No. 19163 of 2025

WEB COPY

2023, dated 02.06.2023) and the External Affairs Ministry has also issued a guideline in O.M.No.VI/401/1/5/2019 dated 10.10.2019 to protect the interest of the Law Enforcement Authority.

7. Considering the fact that the petitioner is being proceeded in criminal case in C.C.No.3 of 2013, I am inclined to dispose of this Writ Petition by directing the respondent to transmit the impounded passport of the petitioner to the II Additional District Court (CBI Cases), Madurai for keeping the same in C.C.No.3 of 2013.

8. In case the petitioner proposes to travel abroad, it is for the petitioner to move suitable application before the said Court before travelling abroad for appropriate orders.

9. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

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W.P.(MD) No. 19163 of 2025

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W.P.(MD) No. 19163 of 2025

C.SARAVANAN, J.

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W.P.(MD) No. 19163 of 2025

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