



W.P.(MD)No.20452 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.20452 of 2025

Satheeshkumar

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
Chennai Rayala Towers 2 and 3,
4th Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002.

2.The Superintendent of Police,
Kanyakumari District.

3.The State Represented by
The Inspector of Police
Suchindram Police Station,
Kanyakumari District.
(In Crime No.32 of 2021)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to re-issue Passport to the petitioner and considering the petitioner's representation dated 02.07.2025 and for other reliefs, within a period stipulated by this Court.



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For Petitioner : Mr.M.Dhinesh Kumar

For R1 : Mr.R.Senthil Kumar
Central Government Standing Counsel

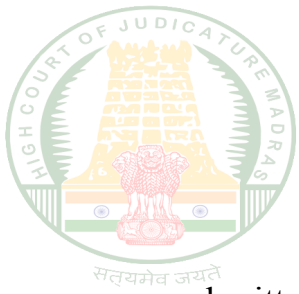
For R2 and R3 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal side)

ORDER

The petitioner is before this Court seeking issuance of a Mandamus, directing the respondents to consider his representation dated 02.07.2025.

2. The petitioner is already a holder of a Passport issued on 07.04.2015 [Passport No.M8108458], which was valid up to 06.04.2025. As the Passport was nearing expiry, the petitioner submitted an application for its renewal on 28.05.2025.

3. The learned Government Advocate (Criminal Side) for the respondents 2 and 3 submits that the petitioner is arrayed as one of the accused in Crime No.32 of 2021, dated 25.01.2021, on the file of the third respondent Police Station, for the offences under Sections 147, 294(b) and 506(i) of the Indian Penal Code. It is

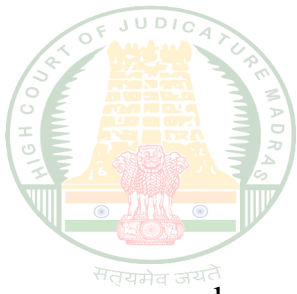


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submitted that the charge sheet in the said case was filed on 30.08.2022 before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District. While the names of some of the accused have been dropped, the petitioner continues to be shown as 'A4' in the charge sheet. However, it is also submitted that the said charge sheet has not yet been taken on file by the concerned Court.

4. In view of the fact that the renewal application was filed prior to the expiry of the Passport, the petitioner would be entitled to renewal and the mere pendency of a criminal case shall not be a bar to such renewal, in the light of the judgment of the Division Bench of this Court in **Regional Passport Officer, Chennai vs. Samsudeen Mohamed Salih and another** [W.A.No.902 of 2023, dated 02.06.2023]. Furthermore, the Ministry of External Affairs has issued an Official Memorandum dated 10.10.2019, modifying Notification No.570(E), dated 25.08.1993, prescribing certain safeguards in such cases.

5. Considering the above, there shall be a direction to the first respondent to process the petitioner's Passport renewal application and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this



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order, notwithstanding the fact that the petitioner is arrayed as 'A4' in the charge sheet filed before the learned Judicial Magistrate No.III, Nagercoil, on 30.08.2022, since the charge sheet has not yet been taken on file.

6. However, it is made clear that the petitioner shall not travel abroad and shall surrender the Passport to the learned Judicial Magistrate No.III, Nagercoil, in the event the charge sheet is taken on file. If the petitioner fails to surrender the Passport as directed, it shall be open to the third respondent to take appropriate steps to seize the Passport from the custody of the petitioner and also move the first respondent for its cancellation.

7. This Writ Petition stands disposed of accordingly. No costs.

NCC : Yes / No

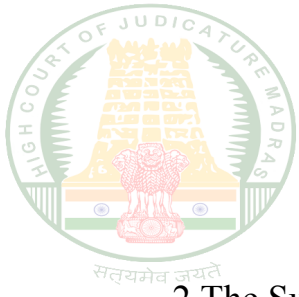
Index : Yes / No

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28.07.2025

To:-

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2.The Superintendent of Police,
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C.SARAVANAN, J.

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