



W.P.(MD) No.21311 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.21311 of 2025

S.Siluvai Joy Clasoulin

... Petitioner

/vs./

- 1.The Union of India,
rep by its Principal Secretary to Government,
Ministry of External Affairs,
Shasthri Bhavan,
New Delhi.
- 2.The Consul General of India,
Consulate General of India (Embassy of India),
Jeddah,
Saudi Arabia.
- 3.The Regional Passport Officer,
Regional Passport Office,
Race Course Road,
Madurai.
- 4.The Inspector of Police,
Uvari Police Station,
Uvari,
Tirunelveli District.

... Respondents



W.P.(MD) No.21311 of 2025

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to renew the passport of the petitioner's husband, namely, I.Stephone, S/o.Isac in Application File No.SB1075571956125 within the time fixed by this Court.

For Petitioner : Mr.M.Vignesh

For R1 to R3 : Mr.M.Mahendra Prabhu
Central Government Standing Counsel

For R4 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

Mr.M.Mahendra Prabhu, learned Central Government Standing Counsel takes notice for the respondents 1 to 3 and Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.side) takes notice for the fourth respondent.

2.The petitioner, the wife of an applicant in Passport Application File No.SB1075571956125, dated 29.04.2025, is before this Court for a Mandamus to direct the first respondent to renew the passport of the petitioner's husband, namely, I.Stephone, S/o.Isac.



W.P.(MD) No.21311 of 2025

WEB COPY

3.It is the case of the petitioner that the petitioner's husband is presently working in Saudi Arabia and faces deportation as his previous passport namely, M9726296, which was issued on 05.06.2015, expired on 04.06.2025.

4.It is submitted that the passport has not been renewed, despite the application being made before its expiry on 29.04.2025 on the ground that the petitioner is an accused in Crime No.10 of 2023, dated 24.01.2023 for the offences under Sections 147, 294(b), 323 and 324 IPC.

5.The learned Central Government Standing Counsel for the respondents 1 to 3 would submit that a charge sheet has been filed on 22.02.2023 and the offence has been slightly altered to Section 147, 294(b), 326 and 506(ii) IPC. The charge sheet has been taken on file by the learned Judicial Magistrate No.II, Rathapuram, Tirunelveli District in CC.No.193 of 2025 and the next date of hearing is 12.09.2025 for the petitioner's husband's appearance, who has been arrayed as 5th accused in the said criminal case.



W.P.(MD) No.21311 of 2025

WEB COPY

6.The passport has already expired on 04.06.2025. As per the decision of the Division Bench of this Court in ***Regional Passport Officer vs. Samsudeen Mohamed Salih (W.A.No.902 of 2023, dated 02.06.2023)***, there can be no impediment in renewal of the passport. Therefore, the application filed by the petitioner on 29.04.2025 for renewal of the passport ought to have been renewed by the second respondent, as the application was filed before the second respondent/the Consul General of India, Consulate General of India (Embassy of India), Jeddah, Saudi Arabia.

7.It is also relevant to take note of the Office Memorandum in O.M.No.VI/401/1/5/2019, dated 10.10.2019, wherein it has been stipulated as under:-

“ 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



W.P.(MD) No.21311 of 2025

WEB COPY

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.

(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



W.P.(MD) No.21311 of 2025

WEB COPY

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.

(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,



W.P.(MD) No.21311 of 2025

WEB COPY

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.”

8.Under these circumstances, the Writ Petition stands disposed of by directing the first respondent to renew the passport by processing the passport application bearing File No.SB1075571956125, dated 29.04.2025 of the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

9.It is informed that the case in CC.No.193 of 2025 is listed before the learned Judicial Magistrate No.II, Radhapuram, Tirunelveli District for the petitioner's husband's appearance along with other accused on 12.09.2025.

Therefore, the petitioner's husband shall appear before the said Court on



W.P.(MD) No.21311 of 2025

WEB COPY

12.09.2025 and obtain necessary permission to travel abroad back to Saudi Arabia.

10.In case, the petitioner's husband fails to appear on 12.09.2025 and secure any favourable order, the petitioner shall surrender the passport to the learned Judicial Magistrate No.II, Radhapuram, Tirunelveli District on 12.09.2025.

11.In case, the petitioner's husband fails to appear on 12.09.2025, the second respondent is at liberty to take steps to deport the petitioner's husband to answer to the crime in C.C.No.193 of 2025 and to cancel the passport.

12.With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
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05.08.2025



W.P.(MD) No.21311 of 2025

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To

The Inspector of Police,
Uvari Police Station,
Uvari,
Tirunelveli District.



WEB COPY



W.P.(MD) No.21311 of 2025

C.SARAVANAN, J.

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W.P.(MD) No.21311 of 2025

05.08.2025