



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.08.2025

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.20676 of 2025
and
W.M.P(MD)No.15999 of 2025

Mohamed Basith

...Petitioner

Vs.

1.The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road, Madurai - 625 002.

2.The Inspector of Police,
Manavalakurichy Police Station,
Kanyakumari District.
*(R2 is suo motu impleaded vide Court order dated
30.07.2025, in W.P(MD)No.20676 of 2025)*

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** calling for records from the respondent relating to the impugned order dated 21.04.2025, passed in Reference No.SCN/321393273/25, and quash the same and consequently direct the respondent to issue a passport to the petitioner in pursuance of his application dated 08.04.2025, in File No.MD4077543430725.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.Murali Ganesh
Central Government Standing
Counsel for R1
Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side)
for R2



ORDER

WEB COPY

This Writ Petition has been filed seeking a certiorarified mandamus to quash the impugned communication of the first respondent whereby the petitioner has been called upon to provide suitable explanation regarding the petitioner involved in Crime No.32 of 2021, dated 03.03.2021, filed before the second respondent for the punishable offences under Sections 147, 294(b), 353 and 506(i) of IPC, 1860.

2.The learned Government Advocate(Crl.Side) appearing for the second respondent has stated that although charge sheet was filed on 01.12.2022, before the Chief Judicial Magistrate, Eraniel. So far, the same has not been taken and the case is being listed while enquiry as some of the persons who were arrayed as accused namely, the deponents has not heard. It is thus clear that no case is pending as against the petitioner as on date.

3.The petitioner should have however replied to the impugned notice on 21.04.2025, instead of approaching the Court for relief. The petitioner, however, claims to reply to the notice on 16.05.2025. However, the petitioner has not been called upon further.

4.Considering the submission made by the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents, this Court is of the considered view that there cannot be any impediment in



directing the first respondent to process the passport application, dated 08.04.2025, notwithstanding the fact that the petitioner has been arrayed as one of the accused persons in Crime No.32 of 2021, for the above said offences. Therefore, there shall be a direction to the first respondent to process the passport application of the petitioner and issue the same as expeditiously as possible.

5.However, it is made clear that the petitioner shall suo-motu surrender the same, in case, charge sheet is taken on file by the learned Chief Judicial Magistrate, Eraniel and a case is registered. In case, the petitioner fails to surrender the same, it is open for the second respondent to take steps to seize the same and deliver it to concerned before the learned Chief Judicial Magistrate, Eraniel, it is also open to the first respondent to cancel the passport, if the petitioner fails to comply with the above stipulation.

6.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

06.08.2025
2/2

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



WEB COPY



C.SARAVANAN, J.

RJR

To

- 1.The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road, Madurai - 625 002.
- 2.The Inspector of Police,
Manavalakurichy Police Station,
Kanyakumari District.

W.P.(MD)No.20676 of 2025
and
W.M.P(MD)No.15999 of 2025

06.08.2025
2/2