



W.P.(MD) No. 20857 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 20857 of 2025

Anthony Gilgin

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
K.Pudur,
Madurai District - 625002.

2. The Inspector of Police,
Suchindram Police Station,
Kanyakumari
District - 629704.
(In Crime No. 294 of 2019).

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to expedite the process of issuing a passport to the petitioner based on his application for renewal, dated 24.03.2025, bearing Application No. MD2077508503725 and his representation, dated 27.05.2025, thereby, permitting the petitioner to travel



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abroad for his livelihood.

For petitioner : Mr. G.Anto Prince

For respondents : Mr. B.Narayan Ram
Central Government Standing Counsel for R1
Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R2

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, the learned Central Government Standing Counsel for the first respondent and the learned Government Advocate (Crl.Side) for the second respondent.

2. The petitioner is the holder of a passport, in Passport No.M8016287, which was valid between 06.04.2015 and 05.04.2025 and that he has made an application for its renewal on 24.03.2025.

3. It is informed by the learned Government Advocate (Crl.Side) for the second respondent that the petitioner has been arrayed as sixth accused (A6) pursuant to the FIR that was registered against the petitioner in Crime No.



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294/2019 for the offences under Sections 147, 341, 294(b), 323 and 506(2) of Indian Penal Code, 1860.

4. The learned Government Advocate (Crl.Side) for the second respondent further submits that a charge sheet has been filed and the same has been taken on file by the learned Judicial Magistrate-III, Nagercoil, in C.C.No.270 of 2021.

5. Considering the same, strictly speaking, the petitioner is not entitled to the renewal of passport in terms of Section 6(2)(f) of the Indian Passport Act, 1967. However, the Hon'ble Division Bench of this Court in ***the Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another (W.A.No.902 of 2023, dated 02.06.2023)*** has held otherwise. However, to balance the interest, the Ministry of External Affairs has issued an Official Memorandum in No.VI/401/I/5/2019, dated 10.10.2019.

6. In the light of the above, there shall be direction to the first respondent to



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renew the passport of the petitioner. However, the petitioner shall surrender the passport before the learned Judicial Magistrate-III, Nagercoil in C.C.No.270 of 2021.

7. In case the petitioner proposes to travel abroad, the petitioner shall move a suitable application before the said Court to retrieve the same. In case the petitioner fails to surrender the same immediately after issuance, it is open for the second respondent to take steps to seize the passport and deliver the same to the Judicial Magistrate Court - III, Nagercoil.

8. It is also open for the first respondent to cancel the passport of the petitioner, in case the petitioner fails to cooperate with the proceedings.

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

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

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