



W.P.(MD) No.21453 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.21453 of 2025

Ayesha Kallasi

... Petitioner

/vs./

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Madurai.

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to issue the reissued passport to the petitioner pursuant to her passport application in File No. MD2075360000825 dated 18.07.2025 as expeditiously as possible within the time that may be stipulated by this Court.

For Petitioner : Mr.R.Anand



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For R1

: Mr.R.Paranjothi
CGSC

For R2

: Mr.Vaikam Karunanidhi
Government Advocate (Crl.side)

ORDER

Mr.R.Paranjothi, learned Central Government Standing Counsel takes notice for the first respondent and Mr.Vaikam Karunanidhi, learned Government Advocate (Crl.side) takes notice for the second respondent.

2.The petitioner, a holder of a passport bearing Passport No.N3119555 issued on 23.09.2015, which is valid up to 22.09.2025, has filed this writ petition for a Mandamus to direct the first respondent to re-issue the passport to the petitioner, pursuant to the passport application bearing File No. MD2075360000825, dated 18.07.2025.

3.The learned Government Advocate (Crl.side) for the second respondent, on instructions, would submit that the petitioner is the first accused in the FIR registered in Crime No.45 of 2023, dated 18.03.2023, for the offences under Sections 294(b), 186, 306, 109 and 212 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(1)(q) of the SC/ST (Prevention of Atrocities) Act, 1989.



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4.It is submitted that pursuant to the FIR registered against the petitioner and others, a charge sheet was filed and the same has been taken on file by the Special Court for Trial of Cases under SC/ST Act (POA), Thoothukudi, in SC.No. 21 of 2023. It is further submitted that the case is now listed for further hearing on 08.08.2025.

5.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.

6.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,



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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 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



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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 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



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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, 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.”

7.Considering the same, there shall be a direction to the first respondent to process the passport application of the petitioner, dated 18.07.2025, on or before 22.09.2025.

8.It is made clear that the petitioner shall not travel abroad without the permission of the Special Court for Trial of Cases under SC/ST Act (POA),



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Thoothukudi, in view of the pendency of the criminal case registered against the petitioner in SC.No.21 of 2023. The petitioner shall also surrender the passport to the said Court as and when the same is received by the petitioner.

9.It is made clear that in case, the petitioner fails to comply with any of the above stipulations, it is open for the second respondent to seize the passport and hand it over to the first respondent, who in turn, shall cancel the passport. In case, the petitioner proposes to travel abroad, the petitioner may file suitable application before the said Court for appropriate orders.

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

Index : Yes / No
Internet : Yes / No
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06.08.2025

To

The Inspector of Police,
Kulasekarapattinam Police Station, Thoothukudi District.

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C.SARAVANAN, J.

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