



W.P.(MD) No.21537 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.21537 of 2025

K.S.Jailanee

... Petitioner

/vs./

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ulla Veedhi,
Race Course Road,
Madurai 625 002.

2.The Inspector of Police,
District Crime Branch,
Tirunelveli,
Tirunelveli District
Crime No.62 of 2009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to re-issue a passport to the petitioner on his Application in File No.MDUA 01170509 in the light of the order made in W.A.No.902 of 2023, dated 02.06.2023 by this Court and in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.P.Mahendran
For R1 : Ms.T.Saroja
Central Government Standing Counsel
For R2 : Mr.Vaikam Karunanithi
Government Advocate (Crl.side)

ORDER

Ms.T.Saroja, learned Central Government Standing Counsel takes notice for the first respondent and Mr.Vaikam Karunanithi, learned Government Advocate (Crl.side) takes notice for the second respondent.

2.The petitioner is before this Court after the petitioner secured a favourable order in W.P.(MD) No.2444 of 2025. The said writ petition was filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue a fresh passport considering his passport Application in File No. MDUA01170509 on the file of the 1st respondent by considering the petitioner's representation dated 24.12.2024 within the time stipulated by this Court.”

3.The said writ petition was disposed of with the following directions:-

“6.The petitioner is given liberty to move the trial Court / Judicial Magistrate -i, Tirunelveli, for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered



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and disposed of within a period of three weeks thereafter. The learned trial Judge shall bear in mind that right to travel abroad is a fundamental right. The petitioner's career and avocation may be at stake if he is denied the right to go abroad. Therefore, the trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application under Section 228 of BNSS, 2023 by executing a special vakalat.

7. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-mentioned application in terms of the said order. ”

4. Earlier, the petitioner was issued with a passport bearing Passport No.H6210234, which was valid for the period between 13.07.2009 and 12.07.2019. Meanwhile, a show cause notice was issued on 09.10.2009 stating that the petitioner had given a wrong declaration regarding the age and qualification in the school Transfer Certificate.

5. The said show cause notice was followed by the FIR registered against the petitioner in Crime No.62 of 2009 on 02.11.2009 for the offences under Sections 465, 468, 471 and 34 IPC. Subsequently, a charge sheet has also been



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filed and the case had been taken on file by the learned Judicial Magistrate No.1, Tirunelveli, in CC.No.390 of 2019.

6.The petitioner appears to have made an application earlier in 2010 for issuance of a fresh passport. However, it was not processed in view of the registration of the FIR against the petitioner in Crime No.62 of 2009, dated 02.11.2009, which was subsequently taken on file by the learned Judicial Magistrate No.1, Tirunelveli, in CC.No.390 of 2019.

7.On a specific query as to whether the petitioner has made a fresh passport application or not, the learned counsel for the petitioner confirms that no further application was filed after 2010 and that the petitioner secured the order from this Court earlier in W.P.(MD) No.2444 of 2025 on 28.01.2025, based on the representation, dated 24.12.2024.

8.Pursuant to the aforesaid order, the petitioner filed CrI.M.P.No.1123 of 2025 before the learned Judicial Magistrate No.1, Tirunelveli, on 03.03.2025.



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9.The learned counsel for the petitioner submits that though the enquiry was completed on 15.05.2025, no orders have been passed by the Court. It is submitted that the petitioner now need the passport to travel abroad.

10.It is further submitted that 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)***, it is clear that there is no impediment for renewing the passport.

11.The learned counsel for the petitioner has also relied on the following decisions of this Court:-

- “i) ***W.P.No.26366 of 2025 (B.Hyder Ali Vs. The Regional Passport Officer and another)***, dated 21.07.2025; and
- ii) ***W.P.(MD) No.20452 of 2025 (Satheeshkumar Vs. The Regional Passport Officer and others)***, dated 28.07.2025”

12.Having considered the submissions made by the learned counsel for the petitioner, learned Central Government Standing Counsel for the first respondent and the learned Government Advocate (Crl.side) for the second respondent, I am



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of the view that the petitioner is entitled for a passport subject to the petitioner making a fresh passport application with the respondents.

13.However, the petitioner shall obtain necessary orders from the concerned Court, which is seized of CC.No.390 of 2019, on the file of learned Judicial Magistrate No.1, Tirunelveli, where the petitioner filed Crl.M.P.No.1123 of 2025. The order to be passed by the learned Magistrate in Crl.M.P.No.1123 of 2025 shall be considered by the first respondent for processing passport application of the petitioner, if such an application is filed.

14.Under these circumstances, the petitioner is given liberty to file a fresh passport application for issuance of a passport, after the petitioner secures a favourable order from the said Court. The petitioner may therefore pursue the remedy in Crl.M.P.No.1123 of 2025 in CC.No.390 of 2019 before the Court of the Judicial Magistrate No.1, Tirunelveli.

15.It is expected that the learned Judicial Magistrate No.1, Tirunelveli, shall pass appropriate orders taking note of the nature of the offences within a period of 60 days from the date of receipt of a copy of this order, as reportedly the enquiry in CC.No.390 of 2019 was completed as early as on 15.05.2025.



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

Index : Yes / No
Internet : Yes / No
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To

The Inspector of Police,
District Crime Branch,
Tirunelveli,
Tirunelveli District



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C.SARAVANAN, J.

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