



W.P(MD)No.23514 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.23514 of 2025

Sarathkumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to reissue the petitioner's passport in pursuant to the petitioner's application in File Number MD.1076751380724 pending before the first respondent within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.V.Anandhamoorthy

For R1 : Mr.B.Brijesh Kumar
Central Government Standing Counsel

For R2 : Mr.M.Vaikam Karunanidhi
Government Advocate (Crl.Side)



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ORDER

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This writ petition has been filed for a writ of Mandamus to direct the first respondent to reissue the petitioner's passport pursuant to the petitioner's application in File Number MD.1076751380724 pending before the first respondent.

2. The facts on record indicate that the petitioner was the holder of a passport bearing No.N0238303, valid from 15.06.2015 to 14.06.2025.

3. It is the case of the petitioner that the petitioner lost the passport and therefore lodged a complaint on 11.07.2024, on which date a lost document report was also furnished by the jurisdictional police station. Thereafter, the petitioner submitted the first passport application on 15.07.2024. However, the petitioner failed to respond to the notice and thus, the passport application was closed. The petitioner submitted a fresh application on 31.05.2025, which is yet to be processed.

4. On specific query as to whether any criminal case is pending against the petitioner, the learned Government Advocate for the second respondent confirms that the petitioner has been arrayed as an accused in the following two cases:



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S.No	Crime No.	Section of Law	Stage of the case
1	535/2023	294(b), 324, 341, 506(2) of IPC	Charge sheet filed and taken on file in STC No.37 of 2025 before Judicial Magistrate No.I, Sivagangai.
2	56/2024	229A of IPC	FIR stage

5. Considering the same, there can be no positive direction to the first respondent to process the application of the petitioner. However, the Division Bench of this Court in the case of *The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another* (W.A.No.902 of 2023, dated 02.06.2023) has taken a contra view.

6. Therefore, there shall be a direction to the first respondent to process the passport application dated 31.05.2025 of the petitioner and issue the same to the petitioner. The petitioner shall however voluntarily surrender the same before the Judicial Magistrate – I, Sivagangai and retrieve the same as and when the petitioner proposes to travel abroad by filing appropriate application. If the petitioner fails to comply with this condition, the first respondent is at liberty to cancel the passport.



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7. The writ petition stands disposed of. No costs.

29.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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C.SARAVANAN, J.

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