



W.P(MD)No.23664 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition(MD)No.23664 of 2025

Sumaiya Farveen

..Petitioner

Vs.

- 1 The Union of India
Rep. by its Principal Secretary to Government,
Ministry of External Affairs,
Shastri Bhavan, New Delhi.
- 2 The Consulate General of India,
The Ministry of External Affairs for India,
The Consular Section,
Embassy of India, Kuwait.
- 3 The Regional Passport Officer,
New No. 201/7d, Old No. 201/7, Medical College Rd,
Thanjavur District.
- 4 The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd respondent to renew the passport of the petitioner's husband, namely Mydeen Batcha S/o Hassan Mohamed in Application Reference No. 25-2003349178.

For Petitioner : Mr.V.Vishnu
For Respondents : Mr.R.Saravanakumar
Central Govt. Standing Counsel
(for R1 and R3)

Mr.Vaikkam Karunanithi
Govt. Advocate (for R4)

ORDER

Heard the learned counsel for the petitioner, the learned Central Government Standing Counsel, who takes notice for respondents 1 and 3 and the learned Government Advocate (criminal side), who takes notice for the fourth respondent. Since no adverse order is going to be passed as against the second respondent, notice to him is dispensed with. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.



W.P(MD)No.23664 of 2025

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2. This writ petition has been filed by the petitioner on behalf of her husband, Mr.Mydeen Batcha, who has been issued Passport No. 423608, valid from 03.01.2016 to 02.01.2026.

3. It is informed that the petitioner's husband is working as a driver in the State of Kuwait. Hence, the petitioner has applied for renewal of the passport for a longer period, even though the existing passport is valid until 02.01.2026. It is submitted that, as per the employment policy in the State of Kuwait, an employee must possess a passport valid for at least five years. Therefore, the petitioner has filed this writ petition on behalf of her husband.

4. The learned Government Advocate (Crl. Side), on the other hand, would submit that the petitioner is an accused in Crime No.163 of 2021 dated 14.04.2021 before the fourth respondent. It is submitted that the petitioner has been arrayed as the sole accused for the offences under Sections 279 and 338 IPC in respect of the alleged incident on 13.04.2021. He would further submit that though the charge sheet has been filed before the Judicial Magistrate, Thiruvidadimaruthur, the same has not yet been taken on file.



W.P(MD)No.23664 of 2025

WEB COPY

5. In view of the above, as per the decision of the 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)**, there can be no impediment to direct the respondents 1 to 3 to process the passport application of the petitioner's husband. Hence, there shall be a direction to the respondents 1 to 3 to process the application of the petitioner's husband within a period of six weeks from the date of receipt of a copy of this order. However, it is made clear that the petitioner shall appear before the concerned Court as and when the charge sheet is taken on file and the case is numbered. In case the petitioner fails to comply with the above stipulation, the respondents are at liberty to seize the passport and also take steps to deport the petitioner from Kuwait.

6. This writ petition is disposed of accordingly. No costs.

29.08.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



W.P(MD)No.23664 of 2025

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- To
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C.SARAVANAN, J.

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