



W.P.(MD)No.30304 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.30304 of 2024

R.Sabarivasan

: Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thilainagar 7th Cross,
Tiruchirappalli - 620 018.

2. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No. 1 to issue the Passport to the petitioner in Application in File No. TR2066917895724 dated 30.09.2024 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Gurumoorthy

For Respondents : Mr.K.Sankararaman

CGSC for R1



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Mr.K.Gunasekaran

Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first and second respondents to issue the passport to the petitioner in Application No.TR2066917895724, dated 30.09.2024, within the time stipulated by this Court.

2.The petitioner has applied for a job in Singapore and for which, he has applied for the passport on 19.08.2024 before the first respondent. Subsequently, the petitioner was called for clarification by the first respondent through a letter dated 30.09.2024, which stated that the police verification report was unclear and that the application was under review at the Regional Passport Office. The petitioner has also mentioned in the affidavit that a false case was registered against him in Crime No.68 of 2024 under Section 328 of IPC read with Sections 21(a), 27(a) of the NDPS Act, at Aranthangi Police Station, Pudukottai. The main grievance of the petitioner is that due to the pendency of the said FIR, the Passport Authority is not issuing a passport to him. As a result,



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this Writ Petition has been filed.

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3. The learned Government Advocate appearing for the second respondent would submit that the matter is still pending in FIR stage and has not culminated in filing a final report.

4. Heard the learned counsels on either side and carefully perused the entire materials available on record.

5. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the case of ***W.Jaihar William Vs State of Tamil Nadu*** reported in ***2014 (2) CWC 684*** has held that mere pendency of FIR cannot be construed as pendency of criminal proceedings, unless Judicial Magistrate takes cognizance of the offence, on filing of charge sheet on completion of investigation against the accused. It is pertinent to state that Right to travel abroad is a “fundamental right”.

6. In view of the same, the first respondent is directed to consider the application of the petitioner dated 30.09.2024, for issuance



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of passport without reference to the FIR lodged against him and issue passport, if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

05.02.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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