



W.P.(MD)No.31471 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.31471 of 2024

Ansar Ali

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to issue Passport to the petitioner on the basis of his passport application taken on file as File No. MD5076945916324 dated 18.09.2024 within the time stipulated by this Court.

For Petitioner : Mr.A.Abdul Wahab

For Respondents : Mr.R.Ganesh Kumar (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate



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ORDER

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Mr.R.Ganesh Kumar, learned Central Government Standing Counsel takes notice for the first respondent. Mr.K.Gnanasekaran, learned Government Advocate takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to issue Passport to the petitioner on the basis of his passport application taken on file as File No. MD5076945916324 dated 18.09.2024 within the time stipulated by this Court.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner applied for issuance of passport vide his application in MD5076945916324. On receipt of the same, the first respondent issued a letter dated 03.10.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.450 of 2021 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



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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 offence, on filing of charge sheet on completion of investigation against the accused. Right to travel abroad is a fundamental right.

6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner to issue his passport without reference to the FIRs lodged against him, 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 four 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.

02.01.2025

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Regional Passport Officer,
Regional Passport Office, Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.
2. The Inspector of Police,
Devakottai Police Station,
Sivagangai District.

Order made in
W.P.(MD)No.31471 of 2024

Dated
02.01.2025