



WEB COPY

WP No. 32790 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP.No.32790 of 2026

K.Kannan
Rep. by his Power of Attorney Wife,
K. Shenbagavally,
No.55, Maniveli Street, Manaveli West,
Kalitheerthalkuppam, Puducherry-605 107.

..Petitioner

Vs

1. Union of India,
Rep. by its Secretary,
Ministry of External Affairs,
New Delhi-110 011.
2. The Regional Passport Officer,
Royala Towers, No.2 and 3, 4th Floor,
Old No.785, New No.158,
Anna Salai, Chennai-600 002.
3. The Inspector of Police,
Kandamangalam Police Station,
Villupuram.
4. The Commissioner,
Indian Embassy,
Qatar.
(R4 suo motu impleaded vide order even dated)

..Respondents



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PRAYER: Writ Petition filed Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to renew and re-issue the passport to the petitioner's husband based on the application received from Indian Embassy, Qatar, vide Application number 26-2003889775 dated 13.07.2026 with a validity of 10 years.

For Petitioner: Mr.M.Arun

For Respondents: Mr.R.Subramanian,
Addl. Central Govt. Standing Counsel
for R1, R2 & R4
Mr.Durai Gunasekaran
Government Advocate (Crl. side) for R3

ORDER

The prayer in this writ petition is for a Mandamus directing the 2nd respondent to renew and re-issue the passport to the petitioner's husband based on the application received from the 4th respondent vide Application No.26-2003889775 dated 13.07.2026.

2. Before discussing the facts of the case, this Court, by considering the rival submissions made on either side, suo motu impleads the Commissioner, Indian Embassy, Qatar, as the 4th respondent in this case. Mr.R.Subramanian, learned Additional Central Government Standing Counsel, accepts notice on behalf of the impleaded 4th respondent.



3. The case of the petitioner is that her husband, one Mr.Kannan, is presently employed in Qatar. The passport of the petitioner's husband is valid up to 28.10.2026. Prior to its expiry, the petitioner's husband preferred Writ Petition No.35177 of 2025 seeking renewal of his passport. This Court, by an order dated 16.09.2025, disposed of the said writ petition with a direction to the respondents to consider the representation submitted by him. In compliance with the said direction, an order was passed by the authorities directing the petitioner's husband to approach the Embassy of India in Qatar for the purpose of passport renewal. Accordingly, the petitioner's husband approached the 4th respondent, but he was directed to go before the Passport Authority in India. Under these circumstances, the petitioner made a representation on 13.07.2026, which has been kept pending without consideration.

4. The learned counsel appearing on behalf of respondents 1, 2 and 4 submits that since the petitioner's husband has overstayed in Qatar beyond the validity period of his passport, any application for renewal must necessarily be routed through the competent Embassy. It is further submitted that a criminal case is currently pending against the petitioner's husband.



5. The learned Government Advocate (Criminal Side), appearing for the State, submits that a case in Crime No.306 of 2023 was registered against the petitioner's husband for alleged offences punishable under Sections 147, 448, 294(b), 323, 342, 427, and 506(i) of the Indian Penal Code. It is submitted that upon conclusion of the investigation, the Law Enforcement Agency referred the matter as a "Mistake of Fact" and filed a final report to that effect. However, the de facto complainant has preferred a Protest Petition against the said final report, which remains pending before the competent Court.

6. This Court has considered the rival submissions made by the learned counsel on either side and perused the material records of the case.

7. The legal position regarding the pendency of a criminal case vis-à-vis passport renewal has been authoritatively settled by a Full Bench of this Court in ***Jawahar Rajan v. The Regional Passport Officer (W.P.(MD) No.26547 of 2025)***, whereby this Court reiterated that, mere registration of a First Information Report (FIR) or the pendency of an investigation does not equate to the pendency of a criminal case under the Passport Act, until formal cognizance of the offence is taken by a Court of competent jurisdiction. Consequentially,



the mere pendency of a Protest Petition cannot operate as a legal bar for renewal of Passport. A criminal case is deemed pending against an accused only if the Protest Petition is accepted, cognizance of the offence is formally taken, and summons are issued to the accused.

8. The record indicates that the petitioner approached this Court well before expiry of the Passport, resulting in the order dated 16.09.2025. Citizens working abroad in pursuit of their livelihood earn valuable foreign exchange, support their families, and contribute significantly to the national economy. When there is no established illegality or statutory disqualification on the part of the applicant, authorities must adopt an empathetic approach to redress such grievances. All necessary administrative assistance must be extended to the applicant to ensure his passport is renewed, thereby regularising his legal status and stay in Qatar.

9. In view of the foregoing findings, and notwithstanding the pendency of the Protest Petition, this Court passes the following orders:

(i) The 2nd respondent is directed to consider the passport renewal application dated 13.07.2026 on its own merits.



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(ii) If any further application, documentation, or personal appearance is required to be made by the applicant through the 4th respondent Embassy, the same shall be duly communicated to him. The applicant shall also comply with all necessary additional procedures.

(iii) The respondents are directed to pass final orders on the Passport renewal application within a period of four (4) weeks from the date of receipt of a web copy of this order. It is made clear that the application shall not be put to difficulty during the aforesaid process and the entire exercise shall be carried out as expeditiously as possible, upon receipt of the web copy of the order.

10. With the above directions, the writ petition stands disposed of. There shall be no order as to costs.

13-08-2026

Neutral Citation: Yes

hvk



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To

1. The Secretary,
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4. The Commissioner,
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5. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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