



W.P(MD)No.18824 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18824 of 2026

Minor Iyalini,
represented by her natural guardian / Father,
Mr.Prabhakaran

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Madurai.

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai.
(Crime No.216 of 2013)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to issue passport to the minor petitioner, upon considering the Application Reference No. 26-1060133360, dated 04.06.2026 within time stipulated by this Court.



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For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.C.Ramanathan (R1)
CGSI

: Mr.R.Mohamed Riyaz (R2)
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing the first respondent to issue a passport to the minor petitioner by considering Application Reference No.26-1060133360, dated 04.06.2026, within a time frame to be fixed by this Court.

2. Heard Mr. V. Karthikeyan, learned counsel appearing for the petitioner; Mr. G. Ramanathan, learned Central Government Standing Counsel, who accepts notice on behalf of the first respondent; and Mr. R. Mohamed Riyaz, learned Government Advocate (Criminal Side), who accepts notice on behalf of the second respondent.



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WEB COPY 3. By consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner submitted that an application was submitted on behalf of the minor petitioner for the issuance of a fresh passport. However, the application has not been processed by the first respondent on the ground that the father of the minor petitioner is facing a criminal case.

5. The learned Government Advocate (Criminal Side) appearing for the second respondent submitted that a criminal case is pending against the father of the minor petitioner.

6. The question that arises for consideration is whether the pendency of a criminal case against the father of the minor petitioner can be a ground to withhold consideration of the minor petitioner's application for issuance of a passport. In the considered opinion of this Court, the answer is in the



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negative. Mere pendency of criminal proceedings against the father cannot operate as a bar to the consideration of the passport application of the minor petitioner.

7. The issue involved in the present case is no longer res integra. An identical issue came up for consideration before this Court in W.A. No.902 of 2023 (The Regional Passport Officer, Chennai v. Samsudeen Mohamed Salih and another), by judgment dated 02.06.2023, wherein it was held as follows:

*"5. A Division Bench of the Bombay High Court, in the case of Abbas **Hatimbhai Kagalwala v. State of Maharashtra and another, 2022 SCC OnLine Bom 1992**, to which one of us (S.V. Gangapurwala, CJ.) was a party, has followed the judgment of the Apex Court in the case of Vangala Kasturi Rangacharyulu, supra and directed the respondent therein to process the application of the petitioner for renewal of the passport.*



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6. The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7. In the light of the above, we pass the following order:

(i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court where a criminal case is pending against the first respondent. If the first respondent intends to travel abroad, he would be required to obtain permission from the Court where



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the criminal case is pending.

(ii) A decision shall be taken as above within one month."

8. Following the aforesaid judgment, this Writ Petition is disposed of with a direction to the first respondent to process the passport application of the minor petitioner without insisting upon any order or permission from the jurisdictional criminal Court merely on the ground that the father of the minor petitioner is facing a criminal case and to pass appropriate orders on the application on its own merits and in accordance with law, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
TSG



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M.DHANDAPANI, J.

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