



W.P(MD)No.19612 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19612 of 2026
and WMP (MD) No.14519 of 2026

Bharathi Silambarasan Mathiazhagan

... Petitioner

Vs

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

2. The Inspector of Police,
Srirangam Police Station,
Trichy District.

... Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the impugned communication dated 01.06.2026 made in Ref No. Letter Ref No.SCN/1055250227/26 in file No.TR2076813760626 issued by the 1st Respondent and quash the same and consequential direct the 1st respondent not to impound the Passport issued vide Passport No.ZA492053 dated 13.05.2026.



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For Petitioner : Mr.A.Punithan

For Respondents : Mr.P.Murugesan (R1)
Central Government Standing Counsel

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

ORDER

This Writ Petition has been filed challenging the impugned communication dated 01.06.2026 made in Ref No. Letter Ref No.SCN/1055250227/26 in file No.TR2076813760626 issued by the first respondent and for a consequential direction to the first respondent not to impound the Passport issued vide Passport No.ZA492053 dated 13.05.2026.

2. Heard Mr.A.Punithan, learned counsel appearing for the petitioner, Mr.P.Murugesan, 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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3. By consent of both parties, 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 the petitioner was earlier issued a passport by the first respondent and upon expiry of the validity period, the petitioner submitted an application seeking renewal of the same. It is submitted that, while the said application was pending consideration, the first respondent issued a show cause notice dated 01.06.2026 proposing to reject the renewal application on the ground that a criminal case in Crime No. 2924 of 2023 has been registered against the petitioner for the offence under Section 160 of the Indian Penal Code.

5. The learned counsel for the petitioner further contended that the offence under Section 160 IPC relates to affray, which is a minor offence involving a disturbance of public peace by fighting in a public place and does not involve any element of moral turpitude or serious criminality. Therefore, the mere pendency of such a criminal case cannot be a valid ground to deny renewal of the passport.



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6. The learned Standing Counsel appearing for the first respondent submitted that the petitioner's application for renewal of passport is under consideration and that a show cause notice dated 01.06.2026 was issued to the petitioner, as a criminal case in Crime No.292 of 2024 for the offence under Section 160 of the Indian Penal Code is pending against him.

7. The issue involved in the present case is no longer *res integra*. An identical issue has already been decided by the Hon'ble First Bench of 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, the relevant portion of which is extracted hereunder:

*"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.*

6. The contention of learned counsel for the appellant



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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 is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.

(ii) Decision shall be taken as above, within one month."

8. Following the aforesaid decision and taking into consideration the



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nature of the offence for which the FIR has been registered against the petitioner, the first respondent is directed to process the petitioner's passport application without insisting upon an order or permission from the jurisdictional criminal Court where the criminal cases are pending against the petitioner and to take an appropriate decision on the application, on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. However, if the petitioner intends to travel abroad, it is open to the petitioner to obtain the necessary permission from the jurisdictional criminal Court before undertaking such travel.

9. In the result, the impugned communication dated 01.06.2026 is hereby set aside and accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

13.07.2026

NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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