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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19300 of 2026

C.Vetrikumaran ... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Bharathiula Street,
Race Course Street,
Madurai-625 002.

2.The Inspector of Police,
C4, Thilagarthidal Police Station,
Madurai District.

3.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the first respondent to issue passport to the petitioner based on his application in Application

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No.MD1076954152526 on the file of the first respondent within a stipulated time that may be fixed by this Court.

For Petitioner : Ms.K.Vinothini

For Respondents : Mr.V.Boominathan (R1)
Central Government Standing Counsel

: Mr.R.Mohamed Riyaz (R2 and R3)
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 passport to the petitioner based on his application in Application No.MD1076954152526 on the file of the first respondent within a stipulated time that may be fixed by this Court.

2. Heard Ms. K.Vinothini, learned counsel appearing for the petitioner, Mr. V.Boomiathan, 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 and third respondents.

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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 had applied for the issuance of a fresh passport. However, the application has not been processed on the ground that criminal cases are pending against the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondents 2 and 3 submitted that criminal cases are pending against the petitioner and that the same are under investigation.

6.Mere pendency of criminal proceedings cannot be a bar to the consideration of the petitioner's application for the issuance of a passport by the first respondent.

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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 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*

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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, 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

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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. With the above observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs.

09.07.2026

NCC : Yes / No
Index : Yes / No
TSG
To

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2.The Inspector of Police,
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M.DHANDAPANI, J.

TSG

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