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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19405 of 2026

Almuphin ... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The State of Tamil Nadu,
Represented by the Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to renew the petitioner's passport by considering the petitioner's application in File No. MD1066840034026 dated 18.05.2026 within the time frame to be fixed by this Court.

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For Petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr.K.Sanakara Raman (R1)
Central Government Standing Counsel

: 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 process the petitioner's application in File No. MD1066840034026 dated 18.05.2026, and to issue a passport to the petitioner.

2.Heard the learned counsel appearing for on either side.

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

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application has not been processed on the ground that criminal case is pending against the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the second respondent submitted that criminal case is 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.

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***

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***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 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

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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 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.

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

10.07.2026

NCC : Yes / No
Index : Yes / No
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To

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M.DHANDAPANI, J.

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