



W.P(MD)No.20715 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20715 of 2026
and
W.M.P.(MD).No.15361 of 2026

Barakath Ali

... Petitioner

Vs

1.The Consulate General of India, Passport Section,
296, A1 Andalus,
Building of Mr. Mansoor Abdul Rahman A1 Hueesh,
Jeddah 23322,
Saudi Arabia.

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

3.The Superintendent of Police,
O/o.The Superintendent of Police,
Pudukkottai,
Pudukkottai District.

4.The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Email communication dated 12.04.2026 sent by the respondent No. 1 and quash the same as illegal, consequently directing the respondent No. 1 to reissue passport to the petitioner's husband, namely, Barakath Ali forthwith based on his Passport Application No. ARN No.25-2056028709.

For Petitioner : Mr.M.J.Ameer Hussain

For R-3 and R-4 : Mr.R.Mohamed Riyaz,
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed challenging the impugned Email communication dated 12.04.2026 sent by the respondent No. 1 and consequently seeking a direction to the respondent No. 1 to reissue passport to the petitioner's husband, namely, Barakath Ali, forthwith based on his Passport Application No. ARN No.25-2056028709.

2. Heard Mr.M.J.Ameer Hussain, learned counsel appearing for the petitioner and Mr.R.Mohamed Riyaz, learned Government Advocate (Criminal Side), who accepts notice on behalf of the third and fourth respondents.



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WEB COPY 3. Since no adverse order is going to be passed against respondent Nos.1 and 2, notice to them is dispense with.

4. The learned counsel appearing for the petitioner submitted that the petitioner's husband made an application for renewal of passport, while so, the petitioner's husband received the impugned Email communication from the first respondent stating that a criminal case was pending against the petitioner's husband. The learned counsel further submitted that the issue involved in the present case is no longer *res integra* and that similar issue has already been decided by the Hon'ble First Bench of this Court in W.A.No.902 of 2023 dated 02.06.2023.

5. It is seen from the record that, as against the petitioner's husband, a criminal case has been registered and hence the first respondent issued the impugned Email communication.

6. The issue involved in the present case is no longer *res integra*. Similar 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 Vs. Samsudeen***]



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Mohamed Salih and another] 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 Court where



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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."

7. Following the decision cited supra, this Court is inclined to set aside the impugned Email communication dated 12.04.2026. Accordingly, the impugned Email communication dated 12.04.2026 sent by the first respondent is set aside. The first respondent is directed to process the application of the petitioner's husband without insisting the permission of the Court, where the investigation is pending against the petitioner's husband and take appropriate decision, within a



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period of four weeks from the date of receipt of a copy of this order. If the petitioner's husband wants to travel abroad, then the petitioner's husband has to get necessary permission from the Court where the criminal case is pending against the petitioner's husband.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

22.07.2026

NCC : Yes / No
Index : Yes / No
TSG

To

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M.DHANDAPANI, J.

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