



Writ Petition No.26025 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 29.08.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.26025 of 2025

M.Sathish Babu
S/o.Murugan K E

...Petitioner

Vs.

1.Union of India,
represented by its
Principal Secretary to Government,
Ministry of External Affairs,
Shastri Bhavan, New Delhi.

2.The Regional Passport Officer,
Rayala Towers, No.2 and 3,
IV Floor, Old No.785, 158,
Anna Salai, Triplicane,
Chennai, Tamil Nadu - 600 002.

3.The Assistant Commissioner (DIU),
Chennai-III, Customs House,
Chennai.

[R1 deleted from the array of respondents
vide order dated 18.07.2025 made in
W.P.No.26205 of 2025]

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to renew the petitioner's passport No.M5887921 through dispose-off the petitioner's passport renewal application submitted vide file No.25-2000286352, dated 15.01.2025, in accordance with law.

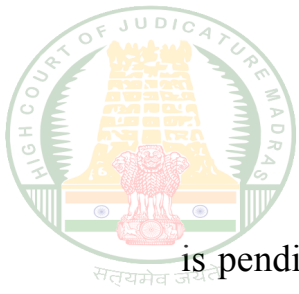
For Petitioner : Ms.A.Poonkodi

For Respondents : Deleted [R1]
Mr.S.Dilliraj, CGSC [R2]
Mr.Rajinish Pathiyal, SPC [R3]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to renew the passport of the petitioner by acting upon the application dated 15.01.2025.

2. The case of the petitioner is that the passport was issued in the name of the petitioner on 27.01.2015 and it was due to expire on 26.01.2025. The petitioner got an employment in UAE in the year 2020 and the petitioner was residing at UAE. The petitioner applied for renewal of passport on 15.01.2025. Since the same was kept pending on the ground that a criminal case



is pending against the petitioner before the concerned Court, the petitioner has approached this Court seeking for appropriate directions.

3. When the matter came up for hearing on 13.08.2025, this Court upon hearing learned Standing Counsel appearing on behalf of the third respondent passed the following order:

"When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the third respondent produced the written instructions. It is seen that there is a criminal case pending against the petitioner in EOCC No.12 of 2021 before the learned Additional Chief Metropolitan Magistrate, EO-II, Chennai for an offence under Sections 132 & 135 of the Customs Act read with Section 120-B of IPC. The learned Standing Counsel further submitted that NBW is pending against the petitioner and due to non-cooperation from the petitioner, there is no progress in the case.

2. In view of the above, the petitioner is directed to file an undertaking affidavit before this Court and undertake that he will come back to India and surrender before the concerned Court and seek for recall of NBW and will also cooperate for the early disposal of the case. If such an undertaking affidavit is filed, this Court will consider the request made by the petitioner.

3. Post this case on 25.08.2025 at the end of the motion list."



4. Pursuant to the above order, the petitioner filed an affidavit. The relevant portion in the affidavit is extracted hereunder:

"5. I submit that my passport may be renewed for a limited period considering my employment at abroad, for which I am undertaking that I will come over to India on 03/11/2025 and will surrender before the Jurisdictional Magistrate on 05/11/2025 to recall the Non-bailable warrant. Further, I will co-operate for the disposal of the criminal case. Thereafter, I will take steps to effectively defend myself in the criminal case and come out the said case."

5. When the matter was taken up for hearing today, learned Senior Panel Counsel appearing on behalf of the third respondent submitted that the undertaking given by the petitioner has to be strictly complied with and based on the same, this Court can pass final orders in the writ petition.

6. Taking into consideration the facts and circumstances of the case and considering the undertaking given by the petitioner to the effect that he will surrender before the Additional Chief Metropolitan Magistrate, EO-2, Chennai, on 05.11.2025, there shall be a direction to the second respondent to communicate this order to the Consulate General, UAE, where the petitioner has submitted the application for renewal of passport. On receipt of the same, the passport of the petitioner shall be renewed/reissued. Based on the same, the



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petitioner shall report before the jurisdictional Magistrate on 05.11.2025 and seek for recall of the non-bailable warrant. The petitioner will also co-operate for the disposal of the criminal case. If the petitioner thereafter wants to leave India, he has to necessarily seek permission from the concerned jurisdictional Court where the criminal case is pending.

This writ petition is disposed of with the above direction. No costs.

29.08.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The Regional Passport Officer,
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2.The Assistant Commissioner (DIU),
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N. ANAND VENKATESH, J.



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