



WEB COPY

WP No. 44753 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 44753 of 2025

Akshaya Shree S S
Rep. by Natural Guardian,
Vijayalakshmi S, No. 11/14, Aandavar
Kovil Street, Puthusuripalayam
Nambiyur, Erode District – 638 458.

Petitioner(s)

Vs

1. The Regional Passport Officer/
The Competent Authority,
The Regional Passport Office,
1st Floor, Corporation Commercial
Complex, Opposite Thandamariamman
Koil, Avinashi Road,
Coimbatore - 641 018, Tamil Nadu.

2. The Inspector Of Police
Nambiyur Police Station,
Erode - 638 458.

Respondent(s)

PRAYER

This Writ Petition is filed seeking under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 and 2 to issue the passport to her minor child for studying in abroad and allow her to travel abroad based on her representation dated 10.11.2025.

For Petitioner(s): Mr.T.Muthukrishnan

For Respondent(s): Mr.S.Pavesh Kannan for R1
Mr.S.Balaji,



travel abroad, he has to get necessary permission from the Court, where the criminal case is pending.

4. The learned counsel for the first respondent has not objected the submissions made by the learned counsel for the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that the petitioner has made application for issuance of passport and the same is kept pending without any progress. In this background, the learned counsel for the petitioner relied upon the decision rendered by the Hon'ble First Bench of this Court in WA.902 of 2023 dated 02.06.2023.

7. This Court perused the judgment passed by this Court and the relevant paragraphs are extracted herein;

*"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 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. In the present case, it is the specific case of the petitioner that only FIR has been registered against the petitioner's daughter and it has not resulted in the



Court taking cognizance of the offense. In such view of the matter, complying the ratio laid down by the Hon'ble First Bench of this Court in W.A.No.902 of 2023, this Court passes the following order:

"(i) The first respondent is directed to process the application of the petitioner without insisting the permission of the Court, as there is no criminal case pending against the petitioner before any Court and a decision shall be taken as above, within a period of four weeks from the date of receipt of a copy of this order.

(ii) If the petitioner wants to travel abroad, the petitioner would be required to seek permission from the Court where the case is pending or from this Court, if no case as yet has been filed, by filing appropriate application."

9. With the above observations and directions, the writ petition is allowed.

No costs.

20-11-2025

Tsg
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

To
1. The Regional Passport Officer/
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The Regional Passport Office,



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