



W.P.(MD)No.25149 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

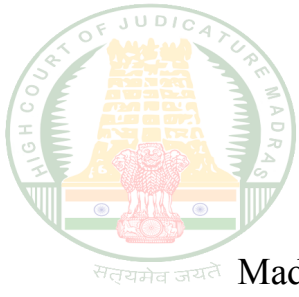
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Mohammed Kassim
Represented by his wife,
Rowzan Fathima

... Petitioner

Vs.

1. The Union of India
Represented by its Principal Secretary,
Ministry of External Affairs,
Central Secretariat,
New Delhi.
2. The Embassy of India,
Abu Dhabi,
United Arab Emirates.
3. The Consulate General of India,
Al Hamriya,
Diplomatic Enclave,
PO Box 737, Dubai,
United Arab Emirates.
4. BLS International Services,
Indian Passport and Visa Service Centre,
Dubai,
United Arab Emirates.
5. The Regional Passport Officer,
The Regional Passport Office,



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Madurai.

6. The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents' No.2 and 5 to issue a re-issued (renewed) passport to my husband by name MOHAMMED KASSIM, S/o. Sahul Hameed, in pursuance to his passport application vide Reference No.25-2003023840 dated 13.06.2025 submitted through the 4th respondent, with the validity of ten years forthwith.

For Petitioner : Mr.R.Anand

For R1 & R5 : Mr.P.Murugan
Central Government Standing Counsel

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the respondents' No.2 and 5 to re-issue the passport to my husband by name MOHAMMED KASSIM, S/o. Sahul Hameed, in pursuance to his passport application vide Reference No.25-2003023840 dated 13.06.2025 submitted through the 4th respondent, with the validity of ten years forthwith.



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2. Mr.P.Murugesan, learned Central Government Standing Counsel, takes notice for the respondents 1 and 5. By consent, this writ petition is taken up for final disposal at the time of admission itself.

3. The facts on record indicate that the petitioner was the holder of a passport bearing No.N1811152, valid from 30.07.2015 to 29.07.2025.

4. It is the case of the petitioner's husband that, after the expiry of his passport, he applied for its re-issuance on 13.06.2025. However, the same has been rejected on the sole ground that the petitioner was involved in Crime No.311 of 2014 for offences under Sections 148, 294(b), 324, 506(ii) of IPC, Section 3(1)(r), 3(1)(s) and 3(2) (Va) of SC/ST (POA) amended Ordinance. Aggrieved by the same, the petitioner has come before this Court.

5. The learned Central Government Standing Counsel appearing for the respondents 1 and 5 confirms that the petitioner has been arrayed as an accused in the above said case.



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6. A Division Bench of this Court, in the case of **The Regional Passport Officer, Chennai vs. Samsudeen Mohamed Salih and another (W.A. No.902 of 2023, dated 02.06.2023)**, following a Division Bench judgment of the Bombay High Court, in the case of **Abbas Hatimbhai Kagalwala vs. State of Maharashtra and another**, reported in **2022 SCC OnLine Bom 1992**, held that the pendency of a criminal case will not be an impediment for the passport authorities to consider an application for renewal of passport. The Bench went on to hold that where a criminal case is pending against an applicant and he wishes to travel abroad, he shall do so after obtaining permission from the concerned Court where the criminal proceedings are pending. Consequently, the respondents 2 and 5 are directed to act upon the passport application submitted by the petitioner's husband and re-issue the passport in the petitioner's husband name, within a period of three (3) weeks from the date of receipt of a copy of this order.

7. In case, the petitioner's husband wishes to travel abroad, he shall obtain necessary permission from the concerned Court. Further, if he is



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required to be present before the Court for evidence or when the Court requires him to be present, he shall appear before Court. This is on account of the fact that the petitioner's husband is abroad.

8. This writ petition stands allowed with the above observations and directions. No costs.

16.09.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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- To
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P.T.ASHA, J.

Rgm

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