



W.P.(MD) No.25455 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25455 of 2025

and

W.M.P(MD)No.19935 of 2025

S.Ramasamy

.. Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai – 625002.

2.The Inspector of Police,
Thirupathur Police Station,
Thirupathur,
Sivaganga District - 630 211.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent's impugned Objection Letter reference No. OBJ/1050018407/25 dated 08.09.2025 and quash the same and consequently direct the first respondent to issue passport in Petitioner's favour on the basis of the petitioner's passport application number MD5065546353025 dated 26/08/2025.



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For Petitioner : Mr.P.Veerakumar
For R1 : Mr.P.Santhoshkumar
Central Government Standing Counsel
For R2 : Mr.S.Prakash
Government Advocate (Crl.side)

ORDER

The petitioner has approached this Court seeking to quash the order passed by the 1st respondent, dated 08.09.2025 and to direct the 1st respondent to issue a passport in favour of the petitioner on the basis of his passport application number MD5065546353025 dated 26.08.2025.

2. The brief facts as set out in the affidavit filed in support of the writ petition is hereinbelow set out :

The petitioner would submit that on 26.08.2025, he had made an application for issue of passport. However, the 1st respondent had issued an objection letter, dated 08.09.2025. The petitioner would state that a criminal case in C.C.No.100 of 2020 is pending against him before the Judicial Magistrate Court, Thirupathur. The case pertains to allegations



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under Sections 147, 148, 341, 294(b), 323, 324 and 506(2) of IPC and the petitioner has been arrayed as the 3rd accused. The petitioner would submit that he has been regularly attending the Court proceedings and has not violated any of the conditions imposed therein. The case has been pending for over 4 years. The petitioner would submit that he comes from a poor background and he is the only source of income for the family. Therefore, he wanted to go abroad in order to earn good income for the family. However, the 1st respondent has sent the impugned objection letter. Therefore, he is before this Court.

3. Mr.P.Veerakkumar, learned counsel for the petitioner had articulated that Section 6 of the Passport Act, 1967 (hereinafter referred to as the Act) has to be read in conjunction with Section 22 which gives a power to the Central Government to exempt person or class of persons from the operation of all or some of the provision of the Act and also to cancel such notifications. He would submit that Central Government exercising its right under Section 22 has issued a notification in notification No.GSR 570 (E), dated 25.08.1993. He would submit that



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this Government notification has been relied upon by the Hon'ble Division Bench of Allahabad High Court in the case of ***Basoo Yadav Vs. Union of India & Others*** reported in ***2022 SCC Online All 849***. Further he would submit that the Hon'ble Supreme Court while considering the provisions of Section 6 which relate to the grounds of refusal to issue passport held that despite Section 6 (2) (e) & (f), the passport authority can renew the passport application. He would therefore submit that there is no impediment to issue of passport.

4. The learned counsel for the 1st respondent would submit that the passport cannot be issued in view of Section 6 (2) (f) as the Judicial Magistrate is seized of the complaint and the trial is underway in the above case.

5. Heard the learned counsels on either side.

6. Though at first glance the arguments of the learned counsel for the petitioner appears attractive, the same cannot be countenanced for the



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simple reason that the notification issued by the Central Government and which is relied upon by the Hon'ble Division Bench of Allahabad High Court have exempted citizens of India against whom proceedings are pending before the Criminal Court subject to the following conditions :

(a) the passport to be issued to every such citizen shall be issued -

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year,

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of a(ii) and a(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of a(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;



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(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

7. However, this is subject to the persons concerned producing orders from the Court permitting them to depart from India. In the instant case, the petitioner has not obtained any orders from the Judicial Magistrate Court, Thirupathur in C.C.No.100 of 2020 which is the Court concerned permitting him to travel abroad. It is only upon such permission being granted that the 1st respondent could issue the passport subject to the conditions set out supra. That apart, in the case referred therein, the Magistrate had not even ordered for investigation, whereas in the case on hand, the proceedings are at trial stage. The judgment of the Hon'ble Supreme Court which has been relied upon by the petitioner is also a case of reissue of passport, whereas in the case of the petitioner, it is the case of fresh issue of passport. Therefore, in view of the provisions of Section 6 (2) (f) of the Act and taking into consideration the fact that the criminal case in which the petitioner is a 3rd accused is pending trial, the request of the petitioner cannot be granted at this stage. However,



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liberty is granted to the petitioner to take out an application in C.C.No. 100 of 2020 before the Judicial Magistrate Court, Thirupathur as envisaged in the notification of the Central Government in GSR 570 (E), dated 25.08.1993 and on such application being filed, the learned Judicial Magistrate shall consider the same in accordance with law.

8. With the said liberty, this Writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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