



W.P.No.1806 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1806 of 2026

Duraisamy Emperuman

... Petitioner

Vs.

1.The Regional Passport Officer
Regional Passport Office
Ministry of External Affairs
Chennai Royala Towers,
No.2 & 3, IV Floor, Old No: 158,
Anna Salai,
Chennai – 600 002.

2.The Sub-Inspector of Police,
Thiruvalam Police Station,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to re-issue jumbo passport based on petitioner's application vide File No.MA1076086099825 dated 16.12.2025 in time bound manner with validity of 10 years.



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For Petitioner : Mr.R.D.Ashok Kumar
for Mrs.L.Sowmiya

For Respondents : Mr.Sathyan for R1
Central Government Standing Counsel
Mr.V.Meghanathan for R2
Government Advocate (Crl. Side)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to re-issue jumbo passport based on petitioner's application vide File No.MA1076086099825 dated 16.12.2025 in time bound manner with validity of 10 years.

2.The learned counsel appearing for the petitioner submitted that the petitioner is employed as a Purchase Manager at M/s.Lloyd Shoes India Private Limited, Gudiyattam, Vellore District and it necessitates frequent international travel for the procurement of raw materials essential for the manufacturing operations. The petitioner was issued with passport bearing No.V0586307 by the first respondent on 13.04.2021 valid till 12.04.2031 and due to frequent international travel for official duties, his passport pages were exhausted and hence, the petitioner applied for re-issue of jumbo passport on 04.02.2025,



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whileso, the first respondent issued show cause notice to the petitioner on 11.03.2025 seeking clarifications regarding the pendancy of criminal case. The learned counsel further submitted that one criminal case is pending against the petitioner, registered by the second respondent in Crime No.312 of 2021 under Sections 448, 294(b), 324, 506(2) of I.P.C. and final report was also filed and the same was taken on file in C.C.No.141 of 2022 and the same is pending on the file of the learned Judicial Magistrate – I, Katpadi.

3.The learned counsel appearing for the petitioner further submitted that since the first respondent did not issue jumbo passport, the petitioner filed W.P.No.15444 of 2025 before this Court and pursuant to the order of this Court dated 28.04.2025, the first respondent issued a standard passport which is valid for only one year. Hence, the petitioner again applied for renewal of jumbo passport vide File No.MA1076086099825 dated 16.12.2025, however, the first respondent instead of issuing jumbo passport, retained the petitioner's existing original passport. 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**, wherein, this



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Court held that mere pendency of the criminal case is not a bar for renewal of passport.

4.The learned Central Government Standing Counsel appearing for the first respondent submitted that during the processing of the application of the petitioner, adverse Police verification report was received from the Office of the Superintendent of Police, Vellore, citing the alleged involvement of the petitioner in Thiruvallur Police Station Crime No.312 of 2021 and the same is pending trial and hence the petitioner's application was kept on hold. The petitioner filed W.P.No.15444 of 2025 before this Court and this Court vide order dated 28.04.2025, disposed of the said writ petition directing the first respondent to process the petitioner's passport application in accordance with law, de hors the pendency of the criminal case and to issue passport to the petitioner, if he is otherwise eligible and in compliance of the order of this Court dated 28.04.2025 and in terms of the instructions contained in Clause 1 (ii) of GSR 570(E), the first respondent issued passport valid from 20.05.2025 till 19.05.2026.

5.The learned Central Government Standing Counsel

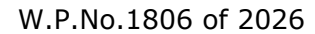


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appearing for the first respondent further submitted that again the petitioner applied for re-issuance of passport, for which, again adverse Police verification report dated 30.01.2026 was received from the Office of the Superintendent of Police, Vellore, citing the alleged involvement of the petitioner in Thiruvalam Police Station Crime No.312 of 2021, which is pending trial, based on which the first respondent issued preliminary show cause notice dated 02.02.2026. Since the criminal case registered against the petitioner is pending trial in C.C.No.141 of 2022 on the file of the learned Judicial Magistrate – II, Katpadi, it attracts the provisions of Section 6(2)(f) of the Passports Act, 1967 which states as follows:

"6(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:-

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;"



7. Heard the arguments advanced on either side and perused the materials available on record.

8.It is useful to extract hereunder the relevant portion of the decision of the Hon'ble First Bench of this Court in ***W.A.No.902 of 2023 [The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another]*** dated **02.06.2023**:

"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



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*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



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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."

9. In view of the decision cited supra and considering the submission made by the learned Central Government Standing Counsel appearing for the first respondent, this Court directs the first respondent to process the application of the petitioner strictly in terms of the decision of the Hon'ble First Bench of this Court in **W.A.No.902 of 2023 [The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another]** dated **02.06.2023**, and take appropriate decision, within a period of six weeks from the date of receipt of a copy of this order.

10. With the above observations and directions, the writ petition stands disposed of. No costs.

18.03.2026

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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M.DHANDAPANI,J.
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