



WEB COPY

WP No. 1928 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

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

WP No. 1928 of 2026

Ismail Ameer Mohideen
S/o Ameer Mohideen
No 8/22 12th Street Vinoba Nagar,
Tondiarpet, Chennai 600 081

..Petitioner(s)

Vs

1. Regional Passport Officer
Chennai Royala Towers,
No 2 and 3 IV Floor,
Old No 785, New No 158, Anna Salai
Chennai - 600 002.
2. The Inspector of police
H-6 R. K Nagar Police Station,
Chennai District

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st Respondent to issue the passport to the petitioner by considering the petitioner's application dated 26.11.2019 vide Application no MA1062625761519 within the time frame as fixed by the court.



For Petitioner(s):

Mr.T.Balaji

For Respondent(s):

Mr.K.Balaji

Central Government Standing Counsel for R1

Mr.L.Baskaran

Government Advocate (Crl. Side) for R2

ORDER

The writ petition has been filed seeking a direction to the first respondent to issue the passport to the petitioner by considering his application dated 26.11.2019 vide Application No.MA1062625761519 within the time frame fixed by this Court.

2. The petitioner would submit he is the permanent resident of No.8/22, 12th Street, Vinoba Nagar, Tondiarpet, Chennai. Since he was seeking his employment in abroad, the petitioner had applied for a passport before the first respondent on 26.11.2019, and same was assigned File No.MA1062625761519. On 13.12.2019, the first respondent had sent a letter to the petitioner informing that they have received an adverse police verification report, which states that the petitioner was found involved in a criminal case in Crime No.1662/2015 on the file of R.K.Nagar Police Station, for the offences under Section 147, 148, 117, 153A, 295A, 355 and 353 and 506(ii) IPC. Seeking a clarification on the above report, the petitioner was required to



furnish a suitable explanation within 30 days by appearing before the office of the first respondent along with necessary documents, vide letter dated 13.12.2019. However, the petitioner had not appeared before the first respondent.

3. Thereafter, on 18.12.2025, the petitioner has sent a representation to the first respondent stating that there was no progress in the said case and the delay on his part is not intentional and only inadvertence due to his family situation. The petitioner would contend that he has now got an opportunity to work abroad and hence, he had submitted his representation to the first respondent. Since there was no reply to his representation, the petitioner is before this Court seeking a mandamus.

4. The learned Government Advocate appearing on behalf of the second respondent on instructions would submit that as against the said Crime No.1662/2015, a case has been filed before the XV Metropolitan Magistrate / XV Judicial Magistrate, George Town Chennai in C.C.No.926 of 2025 and the case is posted for hearing on 17.02.2026.

5. Heard the rival submissions and also perused the materials placed before this Court.



6. Though the reason for not issuing the passport in the year 2019 is attributed to the pendency of the criminal case pending against the petitioner in Crime No.1662/2015 on the file of R.K.Nagar Police Station. It now appears that the case in Crime No.1662/2015 has been taken before the Magistrate Court in the year 2025 and the same is pending in C.C.No.926 of 2025 on the file of XV Metropolitan Magistrate / XV Judicial Magistrate, George Town, Chennai.

7. In ***Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation [2021 SCC Online 3549]***, the Hon'ble Supreme Court has drew a distinction between a case facing trial in a Criminal Court and the person who is convicted, and pursuing an appeal and also how this would impact the issuance of the passport. The learned Judges has observed as follows :

“20. It must also be noted that denial of renewal of a passport does not operate in a vacuum. This Court has repeatedly held in a catena of judgements⁶ that the right to travel abroad and the right to hold a passport are facets of the right to personal liberty under Article 21 of the Constitution of India. Any restriction on that right must be fair, just and reasonable, and must bear a rational nexus with a legitimate purpose.

21. The legitimate purpose behind Section 6(2)(f) and Section 10(3)(e) is to ensure that a person facing criminal proceedings remains amenable to the jurisdiction of the criminal court. That purpose is fully served in the present case by the conditions

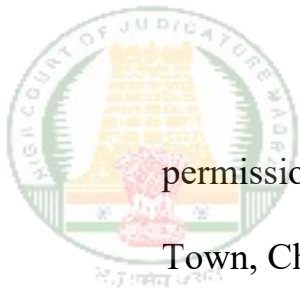


imposed by the NIA Court, Ranchi, and the Delhi High Court, which require the appellant to seek prior permission before any foreign travel and, in the NIA case, to re-deposit the passport immediately after renewal. To add to these safeguards an indefinite denial of even a renewed passport, when both criminal courts have consciously permitted renewal, would be a disproportionate and unreasonable restriction on the appellant's liberty."

8. Ultimately, the Supreme Court directed the authorities to re-issue the passport to the appellant subject to the compliance of the procedural requirements within a time frame. The Bench has observed that such issue of passport was subject to the condition that the appellant would not leave India without the permission of the Court concerned (Criminal Court) and should also deposit his the passport in that Court as and when demanded.

9. This judgment has been followed in a recent judgment of the Hon'ble Supreme Court in the case of ***Mahesh Kumar Agarwal Vs Union of India*** [SLP (Civil) No.17769 of 2025].

10. The dicta laid down in the above judgment would apply on all fours to the case on hand. Therefore, the writ petition is allowed with a direction to the first respondent to issue the passport to the petitioner, subject to the condition that the petitioner shall not leave the shores of India, without obtaining the



permission of the XV Metropolitan Magistrate / XV Judicial Magistrate, George Town, Chennai. No costs.

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11. Considering the fact that the petitioner had not responded to the communication of the first respondent's letter dated 13.12.2019, but had submitted his representation seeking to consider his application for issuance of passport only on 18.12.2025, the first respondent shall take action on the petitioner's representation or else can direct the petitioner to submit a fresh application, by following the due procedure as contemplated under law.

23-01-2026

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

DS

To:

1. The Regional Passport Officer
Chennai Royala Towers,
No 2 and 3 IV Floor,
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Chennai - 600 002.

2. The XV Metropolitan Magistrate /
XV Judicial Magistrate
George Town, Chennai.

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