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W.P.No.3075 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 3075 of 2026

A.Murugan

...Petitioner

Vs.

1.The Regional Passport Officer,
No.25, AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore – 641 014.

2.The Sub Inspector of Police,
Vazhapadi Police Station,
Salem District.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 1st respondent to re-issue passport to the petitioner by considering the petitioner application dated 12.11.2025 in application reference No.25-1065623459 within stipulated period as framed by this Court.



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For Petitioner : Mr. K.Thenrajan

For Respondent 1 : Mr. K.Srinivasamurthy
Senior Panel Central Government
Counsel

For Respondent 2: Mr. L.Baskaran
Government Advocate
(Criminal Side)

ORDER

This writ petition is filed seeking a writ of mandamus, directing the 1st respondent to re-issue passport to the petitioner by considering his application dated 12.11.2025 in application reference No.25-1065623459.

2. The petitioner would submit he had applied for re-issuance of passport on 12.11.2025 in application reference No.25-1065623459 before the 1st respondent. Thereafter, the 1st respondent issued a show cause notice to the petitioner seeking clarification with regard to the pending FIR registered in crime No.279 of 2018, for the offences under

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Sections 294(b), 323 and 325 IPC. Challenging the same, the petitioner is before this Court.

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3. Heard the learned counsels on either side and perused the records.

4. It is reported that the said FIR has been taken cognizance by the learned District Munsif - cum - Judicial Magistrate, Vazhapadi, in CC.No.102 of 2020.

5. In a recent judgement, in **2025 INSC 1476 – Mahesh Kumar Agarwal Vs. Union of India**, the Hon'ble Supreme Court held that denial of passport by quoting the provisions of Section 6 (2) (f) of the Passports Act, was erroneous, since the issue of passport is only a case of providing document for civil identity, whereas travel out of the country was a regulated activity. The right to allow or not to allow the accused person from traveling abroad vests with the Court, in which the criminal proceeding is pending. The Hon'ble Apex Court observed that the issuing authority is bound to issue passport and it does not possess



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any power to deny the issue of passport itself.

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6. Therefore, this writ petition is allowed and the 1st respondent is directed to re-issue the passport to the petitioner after following the due procedures. It is needless to state that for travelling abroad the petitioner has to obtain permission from the learned District Munsif - cum - Judicial Magistrate, Vazhapadi, where CC.No.102 of 2020 was pending. No costs.

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Index : Yes/No
Internet : Yes/No

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To

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