



W.P.No.2277 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 2277 of 2026

Duraisamy Murugesan

...petitioner

Vs.

1. The Regional Passport Office
Old No.785, New No. 158,
Chennai Royala Tower, 2nd and 4th Floor,
Anna Salai,
Chennai - 600 002.

2.State Rep by
The Inspector of Police
Mangalampet Police Station,
Cuddalore.

...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 the petitioner's passport pursuant to his written clarification dated 13.01.2026.



W.P.No.2277 of 2

For petitioner : Mr. K.Rahul
For Respondent 1 : Mr. R.Sidharth
Central Government Counsel
For Respondent 2: Mr. L.Baskaran
Government Advocate
(Criminal Side)

ORDER

This writ petition is filed for the following relief:

“To direct the 1st respondent to re-issue the petitioner’s passport pursuant to his written clarification dated 13.01.2026.”

2. The petitioner would submit that his passport has been expired on 18.05.2025 and he approached the 1st respondent for re-issuance of passport. The 1st respondent through his letter dated 02.12.2025, informed the petitioner to give a clarification with regard to pendency of the criminal case in Crime No.70 of 2021, for offences under Section 294 (b), 324, 506 (ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act @ 147, 148, 294 (b), 323, 324, 326, 506(2) of IPC, on the file of 2nd respondent.

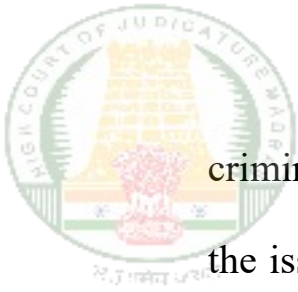


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3. The petitioner submits that on 13.01.2026, he has submitted his written clarification to the 1st respondent and clarified that due to previous enmity between his family members, a false complaint has been lodged against him and the same is pending investigation. The petitioner would further submit that he is working in Bahrain and his viza is ready and if the passport is not issued to him he will be put to irreparable loss. Since there is no progress, the petitioner is before this Court.

4. Heard the learned counsels and perused the records.

5. In a recent judgement, in **2025 INSC 1476 – Mahesh Kumar Agarwal Vs. Union of India**, the Hon'ble Supreme Court held that the 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



W.P.No.2277 of 2

criminal proceeding is pending. The Hon'ble Apex Court observed that the issuing authority is bound to issue passport and it does not possess any power to deny the issue of passport itself.

6. In view of the above, the 1st respondent is directed to take note of the fact that only an FIR was registered in the year 2021, but no charge sheet has been filed till date, and to consider the petitioner's representation seeking re-issue of his passport and pass appropriate orders, if all other parameters are found to be in order, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The 1st respondent shall bear in mind the dicta laid down in the aforesaid judgment.

7. Accordingly, this writ petition is disposed of. No costs.

28.01.2026

Index : Yes/No
Internet : Yes/No

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W.P.No.2277 of 2

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To

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W.P.No.2277 of 2026

P.T. ASHA, J

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W.P.No.2277 of 2026

28.01.2026