



WEB COPY

WP No. 3690 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No. 3690 of 2026

AND

W.M.P.No. 4082 OF 2026

Syed Sahubar Ali Sikandar
S/o.Sikandar,
No.56/73, Patel Nagar 1st Street, Tondiarpet
Chenani 600 081

..Petitioner(s)

Vs

1. The Regional Passport Officer
Regional Passport office,
Rayala Towers 2 and 3, IV Floor,
New No.158 Anna Salai,
Chennai 2.

2. The Inspector of Police
TIW Kolathur Police Station,
Chennai

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to re-issue passport to the petitioner vide File No.MA2076116032025 dated 22.12.2025 by considering the petitioner's representation dated 17.01.2026 within such time as may be stipulated by this Court.

(PRAYER AMENDED VIDE ORDER DATED 26.02.2026 MADE IN WMP.8065/2026 in WP.3690/2026)

For Petitioner(s):

I.Abdul Basith

For Respondent(s):

Mr.N.Sivaprakash
Senior Central Govt. Standing Counsel for R1



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Mr.V.Meghanathan,
Government Advocate for R2

ORDER

This Writ Petition is filed for a Mandamus directing the 1st respondent to re-issue passport to the petitioner vide File No.MA2076116032025 dated 22.12.2025 by considering the petitioner's representation dated 17.01.2026 within such time as may be stipulated by this Court.

2. The case of the petitioner is that the petitioner herein was issued with a passport bearing No.L7220554 dated 20.02.2014, which expired on 09.02.2024. On expiry, the petitioner made an application before the 1st respondent in File No.MA2076116032025 dated 22.12.2025 for re-issuance of fresh passport along with all necessary documents and also appeared for enquiry. While so, the petitioner has received the impugned communication dated 14.01.2026 from the 1st respondent seeking clarification on the adverse police verification report with regard to FIR pending against the petitioner in Cr.No.9/2023 on the file of the 2nd respondent. The grievance of the petitioner is that he has intended to perform Umrah pilgrimage with his family in the month of Ramadan, which is a religious obligation and the lackadaisical approach shown by the 1st respondent in reissuing the passport would amount to violation of the petitioner's fundamental right and therefore, prays for appropriate orders.



3. The learned counsel appearing for the petitioner submitted that the issue involved in the present Writ Petition is no longer *res integra* as the similar issue has already been decided by a Division Bench of this Court in W.A.No.902 of 2023 dated 02.06.2023 wherein, it is held that, mere pendency of the criminal case is not a bar for renewal of passport. If the petitioner wants to travel abroad, he has to get necessary permission from the court where the criminal case is pending.

4. The learned Central Government Counsel appearing for the 1st respondent has no objection to the contentions raised by the learned counsel for the petitioner.

5. Having regard to the submission made by the learned counsel appearing for the petitioner as the similar issue has already been decided by the Division Bench of this Court in W.P.No.902 of 2023 dated 02.06.2023, for better appreciation, the relevant paragraphs are extracted hereunder:-

*“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 which one of us (S.V.Gangapurwala, CJ.) was a party, has followed the judgment of the Apex Court on 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 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”*

(iii) *If the petitioner wants to travel abroad, he has to get necessary permission from the Court where the criminal case is pending.”*

6. Since the present writ petition is squarely covered by the aforesaid judgment, this Court passes the following order:-

(i) the 1st respondent is directed to process the application of the petitioner vide File No.MA2076116032025 dated 22.12.2025 without insisting the permission of the court, where the criminal case is pending against the petitioner and decision shall be taken as above, within a period of four (4) weeks from the date of receipt of a copy of this order;



(ii) The petitioner shall get necessary permission from the court, where the criminal case is pending against him, in the event, he wishes to travel abroad.

7. With the above observations and directions, the Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

24-03-2026

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

SSB

To

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M.DHANDAPANI J.

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