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WP No. 6393 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

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

WP No. 6393 of 2026

AND

WMP NO. 6941 OF 2026

S.Nithin Karthick
S/o. SRINIVASAN,
No. 22/54 Syed Abdulla Street,
Anna Salai, Chennai 02

..Petitioner(s)

Vs

1. The Regional Passport Officer
Regional passport office,
Chennai 02
2. The superintendent of Police
Passport Verification cell,
Chennai
3. The Sub Inspector
F-4 Thousand lights 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 process and issue passport to the petitioner in respect of Passport Application



File No. MA2075867492825 within a time frame by considering the petitioners explanation dated 5.01.2026.

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For Petitioner(s): Mr. Sheik Abdul Rahim

For Respondent(s): Mr.B.Kannan, CGSC, for R.1.

Mr.L.Baskaran, GA (Crl.Side) for R.2 and R.3

ORDER

This Writ Petition has been filed for the following reliefs:-

“directing the 1st respondent to process and issue passport to the petitioner in respect of Passport Application File No. MA2075867492825 within a time frame by considering the petitioners explanation dated 05.01.2026.”

2. The petitioner had filed an application on 01.11.2025 for the issuance of a passport. Subsequently, pursuant to an adverse police verification report, the 1st respondent issued a show cause notice dated 22.11.2025, calling upon the petitioner to submit his explanation regarding the adverse report. On 05.01.2026, the petitioner submitted a detailed explanation along with relevant documents, including a certified copy of the bail order. As there was no progress after the submission of the explanation, the petitioner has approached this Court seeking a writ of mandamus directing the respondent to process his application.



3. The learned Government Advocate appearing on behalf of respondents 2 and 3 would submit that a case in C.C. No. 3024 of 2025 is pending against the petitioner before the XIV Metropolitan Magistrate Court, Egmore, Chennai, and the matter is presently at the trial stage.

4. Heard the rival submissions of the counsels and this Court also perused the records.

5. The reason for not issuing the passport is attributed to the pendency of the criminal proceedings against the petitioner before the XIV Metropolitan Magistrate Court, Egmore, Chennai. In a recent judgment of the Hon'ble Supreme Court in ***Mahesh Kumar Agarwal Vs Union of India and another arising out of SLP(C) No.17769 of 2025***, the Hon'ble Supreme Court was considering a similar case of passport which was not being granted on account of the fact that the appellant therein was an accused in a case being investigated by NIA. The learned Judges after taking into consideration the statutory provisions and notifications relating to the issue on hand and after extracting the Passport Act and Rules of the G.O., has observed as follows :

“8. From a conjoint reading of Sections 5, 6, 7 and 8 of the Passports Act, a structured scheme emerges. Section 5 is



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the starting point. It prescribes the manner in which an application for a passport is to be made and requires the passport authority, subject to the other provisions of the Act, to decide the application by issuing or refusing the passport through a written order. Section 6 qualifies that power and sets out, in an exhaustive manner, the grounds on which the passport authority shall refuse to issue a passport or travel document. Sub-section (1) deals with refusal of endorsements for particular countries. Sub-section (2) governs refusal of issue itself and again begins with the words “subject to the other provisions of this Act”. It obliges the authority to refuse issue where any of the situations in clauses (a) to (i) are present, including the pendency of criminal proceedings before a court in India under clause (f). Section 7 then addresses the duration of a passport. It provides that a passport shall continue in force for such period as may be prescribed, but also permits the authority, for reasons to be communicated in writing to the applicant, to issue a passport for a shorter period in an appropriate case. Section 8 deals with the converse situation where a passport has already been issued for a shorter period. It permits extension of such a passport, but expressly states that the provisions of the Act



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shall apply to such extension as they apply to the issue of the passport, thereby linking an extension back to the same statutory conditions and limitations that govern original issue under Sections 5 and 6.

9. Sections 9, 10 and 22 reinforce and complete this framework. Section 9 enables the Central Government, by rules, to prescribe the conditions subject to which and the form in which a passport shall be issued or renewed. It also permits, with prior approval of the Central Government, the imposition of case-specific conditions in addition to the prescribed ones. Section 10 operates at a later stage and deals with the life of a passport after it has been issued. It empowers the passport authority, in defined situations, to require production of the passport and to impound or revoke it. One such situation, under Section 10(3)(e), is where proceedings in respect of an offence alleged to have been committed by the holder are pending before a criminal court in India. Section 22 then confers on the Central Government the power, where it considers it necessary or expedient in the public interest, to exempt any person or class of persons from



the operation of specified provisions of the Act or the Rules, subject to conditions. It is in exercise of this power that GSR 570(E) was issued, creating a controlled exemption from the bar in Section 6(2)(f) in favour of persons facing criminal proceedings who obtain permission from the concerned court and comply with the conditions set out in that notification.

10. On a plain reading, GSR 570(E) does two things. First, it recognises that persons facing criminal proceedings are not to be treated as absolutely disentitled to a passport. Instead, it permits such persons to obtain a passport, notwithstanding Section 6(2)(f), where the concerned criminal court has applied its mind and passed an order in relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required. Secondly, it structures the exercise of that exemption by tying the validity and use of the passport to the terms of the court's order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not



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stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases. What the notification does not do is to create a new substantive bar beyond Section 6(2)(f), or to insist that the criminal court must, in every case, grant a prior blanket permission to “depart from India” for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport.

11. The OM dated 10.10.2019 does not create a new regime. It reiterates that GSR 570(E) must be “strictly applied”, explains the procedure where criminal cases are pending and makes it clear that a “no objection certificate” or permission from the criminal court, read with the applicant’s undertaking, may override an adverse police report with reasons recorded by the Passport Officer. It also contemplates situations where more than one court is dealing with the matter and indicates that the orders of all such courts are to be read together. The OM is thus an administrative restatement of the position under Section 6(2)(f), Section 22



and GSR 570(E), and cannot add to or cut down the exemption which the notification itself grants.”

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6. The learned Judges relying upon the earlier judgment of the Hon’ble Supreme Court reported in ***Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation [2021 SCC Online 3549]*** 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 after extracting the portions of the judgment 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



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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."

7. Ultimately, the 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 passport in that Court as and when demanded.

8. The dicta laid down in the above judgment would apply on all fours to the case on hand. Therefore, the writ petition is allowed. The first respondent is directed to issue the petitioner's passport, after following due procedure, by



considering his explanation dated 05.01.2026, in the light of the dicta laid down by the Hon'ble Supreme Court in ***Mahesh Kumar Agarwal v. Union of India and Another (cited supra)***. The said exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order. It is needless to state that, for travelling abroad, the petitioner shall obtain permission from the concerned Judicial Magistrate before whom the cases are pending. No costs. Consequently, the connected Miscellaneous Petition is closed.

25-02-2026

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

SHR

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