



WEB COPY

WP No. 6130 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

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

WP No. 6130 of 2026

M.Mohammed Riswan
S/o.A.Mohammed Ishak
No.31/1,Mela street
Kodikkal palayam
Thiruvavarur-610 001

..Petitioner(s)

Vs

1. The Regional Passport Officer
Regional Passport office
New Municipal complex
Thillai Nagar, 7th cross
Tiruchirappalli-620 018.
2. The Inspector of Police
Thiruvavarur Town police station
Thiruvavarur District-610 001

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of Mandamus directing the 1st respondent to Renew the petitioners Passport bearing No.M2835505 vide petitioners Renewal Application dt.7.10.2024 vide Ref.No.TR107701019963724 by considering the petitioners representation dated 16.12.2024 and 17.12.2025 and consequently issue the Renewed passport to the petitioner within the time.

For Petitioner(s): Mr.M.Mubeen

For Respondent(s): Mr.K.K.Muralidharan, CGSC, for R1

Mr.L.Baskaran, GA (Crl.Side) for R2



ORDER

This writ petition is filed seeking a writ of mandamus, directing the 1st respondent to issue the renew passport to the petitioner pursuant to his application in File No.TR10770109963724.

2. The petitioner would submit that he is a holder of Indian Passport since 2014 and the petitioner's last passport bearing No.M2835505 was issued on 07.10.2014, having validity till 06.10.2024. The petitioner had thereafter applied for re-issuance of passport primarily to carry out his livelihood and business activities abroad. However, the 1st respondent through his communication dated 18.11.2024, withheld the issue of passport on the ground that they have received adverse police verification report referring to Crime No.46 of 2024, which has ultimately culminated in STC.No.277 of 2025, on the file of the Judicial Magistrate, Thiruvarur.

3. This criminal case arises out of a complaint which had been lodged in the year 2024 relating to land dispute. These proceedings are pending at the stage of trial.

4. The petitioner would submit that he possess sufficient immovable



properties to ensure his return for trial. He would further submit that a mere pendency of criminal proceedings would not be a fetter for re-issue of passport.

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

6. Whiles, 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 any power to deny the issue of passport itself.

7. 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 Judicial Magistrate, Thiruvarur, where
STC.No.277 of 2025 was pending. No costs.

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

To
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