



WEB COPY

WP No. 4721 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

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

WP No. 4721 of 2026

Abbas Mohamed Hameed
S/o Hameed,
No.29/2, M.K. Colony,
3rd Street, Aathupalam,
Podanur Post,
Coimbatore - 641023,
Tamil Nadu.

..Petitioner(s)

Vs

1. The Regional Passport Officer
Regional Passport Office,
Corporation Shopping Complex, 1st Floor,
Avinashi Road,
Opp. Thandumaraianman Koil,
ATT Colony, Gopalapuram,
Coimbatore District.
2. The Commissioner of Police
Office of the Commissioner of Police,
Coimbatore City Police Commissionerate,
Race Course Road,
Coimbatore - 641018.
3. The Inspector of Police
Kuniyamuthur Police Station,
Coimbatore City.
4. The Inspector of Police
C2 - Race Course Police Station,
Coimbatore City.

..Respondent(s)



Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Mandamus, directing the 1st respondent to process and renew/re-issue the petitioner's passport forthwith, taking note of the fact that the petitioner has already surrendered the passport on 11.12.2025 within such time.

For Petitioner(s): M/s.Noorul Ameen

For Respondent(s): Mr.B.Ramaratnam, CGSC For R1
Mr.L.Baskaran, GA For R2 to R4

ORDER

This writ petition is filed seeking a writ of mandamus, directing the 1st respondent to process and re-issue passport to the petitioner pursuant to his application in File No.CB1076143965124.

2. The petitioner would submit that he is a holder of Indian Passport and based on objections raised by the police authorities, he was directed to surrender the passport. Therefore, the petitioner surrendered his passport on 11.12.2025 before the competent authority. However, the 1st respondent through his communication dated 04.12.2025, withheld the issue of passport on the ground that they have received adverse police verification report referring to FIR Crime Nos.238 of 2020, 235 of 2022. The FIR Crime No.369 of 2023, which has ultimately culminated in



STC.No.2180 of 2024, on the file of the Judicial Magistrate VII,
Coimbatore.

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3. This criminal case arises out of a complaint which had been lodged in the year 2023 relating to an unlawful gathering. 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. 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 VII, Coimbatore, where STC.No.2180 of 2024 was pending. No costs.

16-02-2026

Speaking/Non-speaking order
ssa



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P.T.ASHA, J.

ssa

To

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