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W.P.No.6547 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 6547 of 2026

N.Sharavana

...petitioner

Vs.

1.The Regional Passport Office
Coimbatore, First Floor,
Corporation Commercial Complex
OPP. Thandumariamam koil,
Avinash Road,
Coimbatore - 641 018

2.The Commissioner Of Police
Hosur Road, Goplalapuram
Coimbatore - 641 018

3.The State Rep by Inspector Of Police
B-3, V.H. Road Police Station
Coimbatore - 641001

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondent to consider the representation given to the 1st respondent on 24.11.2025 to handover or return the petitioner's passport No.AB594655.



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For petitioner : Mr. B.A.Prabhushankar

For Respondent 1: Mr. K.Balaji
Central Government Standing
Counsel

For Respondents : Mr. L.Baskaran
2 & 3 Government Advocate
(Criminal Side)

ORDER

This writ petition is filed seeking a writ of mandamus, directing the respondent to consider the representation given to the 1st respondent on 24.11.2025 to handover or return the petitioner's passport No.AB594655.

2. The petitioner would submit that he is the holder of the Indian passport bearing No.AB594655, issued by the passport authority, Coimbatore and the same is valid up till 22.05.2035. The petitioner would submit that on 08.02.2024 an FIR in Crime No.28 of 2024, was registered against the petitioner by the 3rd respondent based on the complaint lodged by a private individual residing in the vicinity which



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arise out of a civil dispute and not involving any criminal intent or offence.

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3. Thereafter, on 20.11.2025, the 1st respondent sent a letter directing the petitioner to surrender his passport stating that the Commissioner of Police, Coimbatore, had raised objection regarding the issuance of passport and the passport has been surrendered to the 1st respondent on 24.11.2025. Subsequently, the case was closed as “mistake of facts”. However, the 1st respondent did not handover the petitioner’s passport. Thereafter, on 24.11.2025, the petitioner made a representation to the 1st respondent. Since there is no response the petitioner is before this Court.

4. Heard the learned counsels on either side 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 issue of passport is only a case of providing document for civil identity,



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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. In the case on hand the 1st respondent had directed the petitioner to surrender his passport on account of an FIR pending against him. This complaint has now been closed as "Mistake of fact". Therefore, there is no records for the 1st respondent to retain possession of the passport.

6. Therefore, this writ petition is allowed and the 1st respondent is directed to dispose of the petitioner's representation within a period of 4 weeks from the date of receipt of a copy of this order and return the passport back to the petitioner after following the due procedures. No costs.

24.02.2026

Index : Yes/No
Internet : Yes/No
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To

1.The Regional Passport Officer,
Regional Passport Office,
Chennai
Rayala Towers, No.2 and 3, 4th floor,
Old No.785, New No.158,
Anna Salai,
Chennai – 600 002.

2.The Inspector of Police,
E – 3, Sadras Police Station,
Chengalpattu District.



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