



WEB COPY

WP No. 6397 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

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

WP No. 6397 of 2026

C.Kani Raja

..Petitioner(s)

Vs

1. The Regional Passport Officer
Regional Passport Office
Chennai Royala Towers No.2 and 3
4th Floor, Old No.785, New No.158
Anna Salai, Chennai 600002.
2. The State Of Tamil Nadu
Rep By The Inspector of Police
Sivagangai Town Police Station
Sivagangai District.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking Writ of Mandamus, directing the 1st respondent to issuance of the fresh Passport based on the petitioners application in File No. MA3065796034025 dated 11.10.2025.

For Petitioner(s):

M/s.N.Madhava Govindan

For Respondent(s):

Mr.Srivatsan Sridhar, CGSC for R1
Mr.L.Baskaran, G.A.(Crl.Side) for R2



ORDER

The present writ petition has been filed seeking a direction to the first respondent to issue a fresh Passport based on the petitioner's application in File No.MA3065796034025 dated 11.10.2025.

2. The case of the petitioner is that he had submitted an application for issuance of passport on the first respondent's portal on 11.10.2025, which was taken on file in Reference No.MA3065796034025. The first respondent, by letter dated 16.01.2026, informed the petitioner that an adverse report had been received against him from the second respondent and called upon him to submit a suitable explanation within 30 days. The petitioner submitted his explanation on 25.01.2026. After receipt of the same, the first respondent simply directed the petitioner to get the Court order for issuance of passport. Hence, the present Writ Petition has been filed.

3. The petitioner would submit that a case in Crime No.549 of 2021 was registered against him by the second respondent for the offence under Section 302 IPC, allegedly based only on the confessional statement of an accused. According to the petitioner, he has no connection with the said case and he has been falsely implicated.



4. The learned Government Advocate appearing for the second respondent-police submitted that a charge sheet has been filed and the case has been taken on file as SC.No.108 of 2024 before the Additional District Judge, Sivagangai, and the same is pending trial.

5. Heard the learned counsel appearing for both sides and perused the materials available on record.

6. The reason for not issuing the passport to the petitioner is attributed to the pendency of criminal proceedings against the petitioner in Crime No.549 of 2021 on the file of second respondent Police. Subsequently, the case has been taken on file as S.C.No.108 of 2024 and is pending before the Additional District Judge, Sivagangai. In a recent judgment in ***Mahesh Kumar Agarwal Vs. Union of another*** arising out of SLP (C) No.17769 of 2025, the Hon'ble Supreme Court has observed that such issue of passport was subject to the condition that the person accused of criminal case should not leave India without the permission of the Court concerned (Criminal Court) and shall also deposit his passport in that Court as and when demanded. Relying the said judgment, the Full Bench of Madurai Bench of Madras High Court in W.P.(MD) No.26547 of 2025 dated 09.02.2026 [***Jawahar Rajan Vs The Regional Passport Officer***], has held that the right of a person who is on bail or facing trial or pending appeal may leave the country, subject to the permission



of the Criminal Court, which can grant or withhold permission, impose conditions, insist of undertakings or refuse to leave altogether.

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7. The dicta laid down in the judgments cited supra would apply on all fours to the case on hand. Therefore, the writ petition is allowed with a direction to the first respondent to issue the passport to the petitioner, subject to the condition that the petitioner shall not leave the shores of India, without obtaining the permission of the Additional District Judge, Sivagangai. No costs.

23-02-2026

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

To

1. The Additional District Judge,
Sivagangai
2. The Regional Passport Officer
Regional Passport Office
Chennai Royala Towers No.2 and 3
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3. The Inspector of Police
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