



W.P.No.6575 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.03.2026

CORAM :

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6575 of 2026

Moosa Shariq Sina Abul Kasim

.. Petitioner

Versus

1. The Regional Passport Officer,
Regional Passport Office,
Rayala Towers, 4th Floor, 158, Anna Salai,
Chennai – 600 002.

2. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

3. The Joint Director,
Directorate of Enforcement,
Chennai Zonal Office – I,
No.2, 5th and 6th Floor,
BSNL Administrative Building,
Kushkumar Road, Nungambakkam,
Chennai – 600 034.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the first and second respondents to forthwith renew and re-issue the passport of the petitioner without insisting upon any No Objection Certificate from the third respondent.



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For Petitioner : Mr.Nithyassh Natraj,
for Mr.S.Ravi

For Respondents : Mr.S.Sivakumar,
Central Government
Standing Counsel for RR-1 and 2

: Mr.P.Sidharthan,
Special Public Prosecutor for R3

ORDER

This Writ Petition is filed for a direction to the respondent Nos.1 and 2 to forthwith renew and re-issue the passport of the petitioner without insisting upon any No Objection Certificate from the third respondent.

2. It is the case of the petitioner that the petitioner is holding passport No.Z3486227, issued by the Regional Passport Office, Madurai, which is valid till 28.01.2026. While so, a Look Out circular had earlier been issued by the Enforcement Directorate in connection with an investigation under the provisions of the Foreign Exchange Management Act, 1999 (FEMA). Aggrieved by the continuance of the Look Out Circular, when the petitioner approached this Court by way of W.P. (Crl.).No.597 of 2025 for withdrawal of the said Look Out Circular, this Court allowed the Writ Petition on 04.09.2025 directing the Enforcement



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Directorate to keep the Look Out Circular in abeyance, subject to the petitioner filing an undertaking affidavit to co-operate with the investigation and to appear as and when required. Accordingly, the petitioner submitted the undertaking affidavit before the Enforcement Directorate on 10.09.2025 and continued to co-operate with the investigation. Pursuant to the said order, when the petitioner approached the respondent Nos.1 and 2 for renewal of his passport, the same is denied on the ground that No Objection Certificate has to be obtained from the Enforcement Directorate. Therefore, the petitioner made representations to the respondents, however, the respondent Nos.1 and 2 did not process the renewal application. Hence, this Writ Petition is filed.

3. Learned Counsel for the petitioner submitted that the issue involved in the present Writ petition is no longer *res integra* and the similar issue has already been decided by the Hon'ble First Bench of this Court in WA. No.902 of 2023, dated 02.06.2023, wherein, this Court held that mere pendency of the investigation is not a bar for renewal of the passport. If the person wants to travel abroad, he has to get necessary permission from the Enforcement Directorate, where the investigation is pending.



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4. The learned Counsel for the respondent Nos.1 and 2 has not objected the submissions made by the learned Counsel for the petitioner.

5. The learned Special Public Prosecutor Pleader for the third respondent submitted that there is no heinous offence as against the petitioner.

6. Heard both sides and perused the materials available on record.

7. The petitioner has made application for renewal of passport and the same is kept pending without any progress. In this background, the learned Counsel for the petitioner relied upon the decision rendered by the Hon'ble First Bench of this Court in WA.902 of 2023 dated 02.06.2023.

8. This Court perused the judgment passed by this Court and the relevant paragraphs are extracted herein:-



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"5. A Division Bench of the Bombay High Court, in the case of **Abbas Hatimbhai Kagalwala v. State of Maharashtra and another, 2022 SCC OnLine Bom 1992**, to which one of us (S.V.Gangapurwala, CJ.) was a party, has followed the judgment of the Apex Court in the case of **Vangala Kasturi Rangacharyulu**, supra and directed the respondent therein to process the application of the petitioner for renewal of the passport.

6. The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7. In the light of the above, we pass the following order:

(i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.

(ii) Decision shall be taken as above, within one month."

9. Since the present issue is also one and the similar, therefore,

following the said judgment of this Court, the following orders are passed:



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"(i) The respondent Nos.1 and 2 are directed to process the application of the petitioner without insisting for any No Objection Certificate from the third respondent and decision shall be taken as above, within a period of four weeks from the date of receipt of a copy of this order.

(ii) If the petitioner wants to travel abroad, he has to get necessary permission from the Enforcement Directorate where the investigation is pending against him."

10. With the above observations and directions, the writ petition is allowed. No costs.

23.03.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

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Chennai – 600 002.

2. The Regional Passport Officer,
Regional Passport Office,

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M.DHANDAPANI, J.

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