



WP No. 9094 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 9094 of 2026 and
W.M.P.No.9821 of 2026**

Sathishkumar
S/o.Singaram
No.82, Veeranampalayam Road
Pothanur(PO), Namakkal
Tamilnadu-638 181

..Petitioner(s)

Vs

1. The Regional Passport Officer,
Regional passport office,
Ministry of External affairs,
Government of India
Coimbatore-641 018
2. The Inspector of police
Paramathy velur police station
Namakkal District

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Show cause Notice in Letter Ref.No.SCN/1053282665/26 dated 12.01.2026 issued by the respondent and quash the same and consequently direct the respondent to return the passport bearing No.AM270759 dated 31.12.2025 to the petitioner.

For Petitioner(s):

For Respondent(s):

Mr.MS.Manojkumar N

Ms.K.Padma Priya for R1

Mr.V.Meghanathan for R2

Government advocate (Crl.Side)



WP No. 9094 of 2026

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the respondents to call for the records pertaining to the impugned Show cause Notice in Letter Ref.No.SCN/1053282665/26 dated 12.1.2026 issued by the respondent and quash the same and consequently direct the respondent to return the passport bearing No.AM270759 dated 31.12.2025 to the petitioner

2. Heard the learned counsels appearing on either side. With the consent of both sides, the main Writ Petition is taken up for hearing at the admission stage itself.

3. The learned counsel for the petitioner submitted that the petitioner applied for re-issuance of passport on 22.12.2025 vide application reference no.25-1068920309 before the 1st respondent. In the said application, the petitioner had clearly disclosed the pendency of criminal proceedings in C.C.No.195 of 2025 on the file of learned Judicial Magistrate, Paramathy. After due verification and scrutiny, the respondent issued passport bearing No.AM270759 dated 31.12.2025, however, all of a sudden, the respondent issued a show cause notice dated 12.01.2026 alleging suppression of pendency of criminal proceedings and calling upon the petitioner to explain



why action should not be initiated under section 12(1)(b) of the Passports Act, 1967. The petitioner appeared before the respondent on 20.01.2026 and submitted explanation that there was full disclosure in the passport application itself, despite the same, the respondent directed the petitioner to surrender his passport and retained the same without passing any order, hence this petition.

4. Perusal of the case reveals that the petitioner's passport application retained by the respondent on the ground of suppression of a criminal case. At this juncture, it is relevant for this Court to refer to the decision of the Hon'ble First Bench of this Court in the case of ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another [W.A.No.902 of 2023 dated 02.06.2023]*** and the relevant portions of the decision reads as under:

"3. Learned counsel for the writ appellant submits that the learned Single Judge of this Court has not taken into consideration Section 6 of the Passport Act, 1967 in its correct perspective. The passport cannot be issued to a person to travel abroad, if the criminal case is pending against him. This aspect needs to be considered.

4. We would be guided by the judgment of the Apex Court in Criminal Appeal No.1342 of 2017 (Vangala Kasturi Rangacharyulu v. Central Bureau



of Investigation) dated 27.9.2021. The said case also relates to renewal of the passport. In the present case also, application of the first respondent is for renewal of the passport.

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



WEB COPY



WP No. 9094 of 2026

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.”

5. The facts of the present case on hand is squarely covered by the aforesaid decision. Hence, in the light of the aforesaid decision of the Hon'ble Division Bench of this Court, the Writ Petition stands disposed of. Consequently, the first respondent shall issue the passport to the petitioner without insisting for permission of the Court, where a criminal case is pending against the petitioner. If the petitioner is travelling abroad, then, he would be required to seek permission from the Court where the criminal case is pending and the said exercise shall be completed, within a period of two weeks from the date of receipt of a copy of this order.

6. In the result, the Writ Petition is disposed of with the above terms. Consequently, connected miscellaneous petition, viz., W.M.P.No.9821 of 2026 to dispense with the production of Original Impugned Show Cause Notice in



WP No. 9094 of 2026

Letter Ref. No.SCN/1053282665/26 dated 12.01.2026 is ordered as prayed for. There shall be no order as to costs.

06-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssd

To

1. The Regional Passport Officer
Regional passport office
Ministry of External affairs
Government of India
Coimbatore-641 018
2. The Inspector of police
Paramathy velur police station
Namakkal District



WEB COPY



WP No. 9094 of 2026

M.DHANDAPANI, J.

ssd

WP No. 9094 of 2026

06-03-2026