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W.P.No.7071 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 7071 of 2026

Rajendran Subramaniam

...Petitioner

Vs.

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.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 1st respondent to issue a renewal / re-issue passport to the petitioner based upon his



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passport application reference Number (ARN) 25 – 1049859608 dated 29.03.2025, within a time stipulated by this Court.

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For Petitioner : Mr. S.Sathish Kumar
For Respondent 1: Mr. G.Subramanian
Central Government Counsel
For Respondent 2: Mr. L.Baskaran
Government Advocate
(Criminal Side)

ORDER

This writ petition is filed seeking a writ of mandamus, directing the 1st respondent to issue a renewal / re-issue passport to the petitioner based upon his passport application reference Number (ARN) 25 – 1049859608 dated 29.03.2025, within a time stipulated by this Court.

2. The petitioner would submit he had applied for re-issuance of passport on 29.03.2025 in application reference Number (ARN) 25 – 1049859608 before the 1st respondent. Thereafter, the 1st respondent issued a notice to the petitioner seeking clarification with regard to the pending FIR registered against him in crime No.52 of 2022, for the offences under Sections 302, 449 IPC at 201, 302, 328 & 449 IPC.



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Therefore, the petitioner is before this Court.

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3. Heard the learned counsels on either side and perused the records.

4. It is reported that the said FIR has been taken cognizance by the learned Principal District Judge, Chengalpet District, in SC.No.3 of 2023.

5. 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.



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6. 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 Principal District Judge, Chengalpet District, where SC.No.3 of 2023 was pending. No costs.

24.02.2026

Index : Yes/No
Internet : Yes/No

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