



WEB COPY

WP No. 8098 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

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

WP No. 8098 of 2026

S.Subramaniam
S/o Sellappa Gounder,
No 176, B1 VOC Nagar, Puthupet post
Attur Taluk, Salme rural 636 141

..Petitioner(s)

Vs

1. Union of India
Represented by its Secretary,
Ministry of External Affairs,
74B South Block,
New Delhi 110 001.
2. Regional Passport office Coimbatore
1st Floor, Corporation Commercial Complex,
Opp Thandumariamman Koil, Avinashi Road,
Coimbatore 641 018
3. Inspector of Police
Attur Town Police station,
Ranipet Main Road,
Attur 636 102

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records in letter in REF. No SCN / 1053532829 / 26 dated 02.02.2026 on the file of 2nd respondent and quash the same and direct the Respondents to reissue the petitioner's passport.

For Petitioner(s): Mr.V.Anantha Srinivasan

For Respondent(s): Mr.L.Baskaran, GA (Crl.Side) For R3



ORDER

2. The petitioner would submit that he is a holder of Indian Passport since 2014 and the petitioner's last passport bearing No.M0990827 was issued on 12.08.2014, having validity till 11.08.2024. The petitioner had thereafter applied for re-issuance of passport primarily to visit his pregnant daughter residing abroad. However, the 1st respondent through his communication dated 02.02.2026, withheld the issue of passport on the ground that they have received adverse police verification report referring to Crime No.395 of 2024, which has ultimately culminated in CC.No.366 of 2025, on the file of the Judicial Magistrate I, Attur, Salem District.

3. This criminal case arises out of a complaint which had been lodged in the year 2013 relating to dispute relating to a financial settlement. These proceedings are pending at the stage of trial.



4. The petitioner would submit that he possess sufficient immovable properties to ensure his return for trial. He would further submit that a mere pendency of criminal proceedings would not be a fetter for re-issue of passport.

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

6. 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.

7. Therefore, this writ petition is allowed and the 2nd 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 Judicial Magistrate I, Attur, Salem District, where CC.No.366 of 2025 was pending. No costs.

27-02-2026

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

To

1.Secretary, Union of India
Ministry of External Affairs,
74B South Block,
New Delhi 110 001.

2.Regional Passport office Coimbatore
1st Floor, Corporation Commercial Complex,
Opp Thandumariamman Koil, Avinashi Road,
Coimbatore 641 018

3.Inspector of Police
Attur Town Police station,
Ranipet Main Road,
Attur 636 102



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P.T.ASHA, J.

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