



W.P.No.9780 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9780 of 2026

Karthiga

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office Chennai,
Royala Towers 2 & 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai – 600 002.

2.State rep by: Inspector of Police
District Crime Branch, (DCB Thanjavur)
Thanjavur District,
Thanjavur – 613 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to renew/reissue the fresh passport to the petitioner as per Application No.MA2076096383825 dated 17.12.2025 for a validity of 10 years as per Rule 12 (1) of the Passport Rules, 1980.



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For Petitioner : Ms.T.Vasanthi

For Respondents : Mr.C.K.V.Dhruva for R1
Central Government Counsel
Mr.V.Meghanathan for R2
Government Advocate (Crl. Side)

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to renew/ reissue the fresh passport to the petitioner as per Application No.MA2076096383825 dated 17.12.2025 for a validity of 10 years as per Rule 12 (1) of the Passport Rules, 1980.

3.The learned counsel appearing for the petitioner submitted that the petitioner was issued with passport bearing No.J8409644 by the first respondent valid till 17.07.2022 and since the same expired, the petitioner made application dated 17.12.2025 for renewal of passport, whiles, the first respondent issued show cause notice to the petitioner on 16.02.2026 seeking clarifications regarding the pendency



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of criminal case. The learned counsel further submitted that one criminal case is pending against the petitioner, registered by the second respondent in Crime No.2 of 2022 under Sections 120B, 406, 420 of I.P.C. and final report was also filed and the same was taken on file in C.C.No.36 of 2023 and the same is pending on the file of the learned Judicial Magistrate – II, Thanjavur.

4.The learned counsel appearing for the petitioner further submitted that the issue involved in the present case is no longer *res integra* and that similar issue has already been decided by the Hon'ble Apex Court in the decision reported in **2025 SCC OnLine SC 2887 [Mahesh Kumar Agarwal Vs. Union of India and another]**, wherein, the Hon'ble Apex Court held that 'nothing in this judgment curtails the powers of the passport authority under [Section 10](#) of the Passports Act. If any future order of a competent court, or any subsequent development, requires impounding or revocation of the appellant's passport, it shall be open to the authority to act in accordance with [Section 10](#) and other applicable provisions. Equally, if the appellant violates any condition imposed by the NIA Court, Ranchi, or the Delhi High Court, it will be open to those courts to take such



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steps, including modification of bail and recall of permissions, as may be warranted' and directed the respondents therein to re-issue an ordinary passport to the appellant therein for the normal period of ten years from the date of issue, subject to compliance with the usual procedural requirements.

5.The learned counsel appearing for the petitioner further submitted that similar issue has also been decided by the Hon'ble First Bench of this Court in **W.A.No.902 of 2023** dated **02.06.2023**, wherein, this Court held that mere pendency of the criminal case is not a bar for renewal of passport.

6.The learned Central Government Counsel appearing for the first respondent submitted that the application of the petitioner will be considered in accordance with law and as per the decision of the Hon'ble Apex Court in the decision reported in 2025 SCC OnLine SC 2887 [Mahesh Kumar Agarwal Vs. Union of India and another] and the decision of the Hon'ble First Bench of this Court in W.A.No.902 of 2023 [The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another] dated 02.06.2023.



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7.The issue involved in the present case is no longer *res integra*. Similar issue has already been decided by the Hon'ble Apex Court in the decision reported in **2025 SCC OnLine SC 2887 [Mahesh Kumar Agarwal Vs. Union of India and another]**, the relevant portion of which is extracted hereunder:

"20. It must also be noted that denial of renewal of a passport does not operate in a vacuum. This Court has repeatedly held in a catena of judgements that the right to travel abroad and the right to hold a passport are facets of the right to personal liberty under [Article 21](#) of the Constitution of India. Any restriction on that right must be fair, just and reasonable, and must bear a rational nexus with a legitimate purpose.

21. The legitimate purpose behind [Section 6\(2\)\(f\)](#) and [Section 10\(3\)\(e\)](#) is to ensure that a person facing criminal proceedings remains amenable to the jurisdiction of the criminal court. That purpose is fully served in the present case by the conditions imposed by the NIA Court, Ranchi, and the Delhi High Court, which require the appellant to seek prior permission before any



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foreign travel and, in the NIA case, to re-deposit the passport immediately after renewal. To add to these safeguards an indefinite denial of even a renewed passport, when both criminal courts have consciously permitted renewal, would be a disproportionate and unreasonable restriction on the appellant's liberty.

29. The judgment and order dated 04.04.2025 passed by the Division Bench of the High Court at Calcutta in APOT No. 215 of 2024, as well as the judgment and order dated 15.05.2024 passed by the learned Single Judge in WPO No. 352 of 2024, are set aside.

30. The respondents are directed to re-issue an ordinary passport to the appellant for the normal period of ten years from the date of issue, subject to compliance with the usual procedural requirements, within a period of four weeks from the date of production of a copy of this judgment before the RPO, Kolkata. The passport so issued shall remain subject to all existing and future orders passed by the NIA Court, Ranchi, and the Delhi High Court, including, in particular, the conditions that the appellant shall not leave India without prior



permission of the court concerned and shall deposit the passport in that court as and when so directed."

8.It is also useful to extract hereunder the relevant portion of the decision of the Hon'ble First Bench of this Court in **W.A.No.902 of 2023 [The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another]** dated **02.06.2023**:

*"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. Following the decisions cited supra, this Court directs the first respondent to process the application of the petitioner without



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insisting the permission of the Court, where the criminal case is pending against the petitioner and take appropriate decision, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner wants to travel abroad, then the petitioner has to get necessary permission from the Court where the criminal case is pending against the petitioner.

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

12.03.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Regional Passport Officer,
Regional Passport Office Chennai,
Royala Towers 2 & 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai – 600 002.

2.The Inspector of Police
District Crime Branch, (DCB Thanjavur)
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M.DHANDAPANI,J.
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