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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

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

WP No. 39817 of 2026

CNR:{HCMA012268842026}

AND

WMP NO. 44766 OF 2026

Vaikunthavasan Venkatachalam
S/O.Venkatachalam
No.3/265,B.Water Board Thottam
karamadai,Mettupalayam
coimbatore,Tamilnadu

..Petitioner(s)

Vs

1. The Regional Passport Officer
   Regional passport office
   No.25, AGT Business park
   Avinashi Road,
   Civil Aerodrome post
   Coimbatore-641 014
2. The Superintendent of police
   State Bank Road,
   coimbatore-641 018

..Respondent(s)

Prayer: to call for the records relating to the impugned order bearing File No.FCL/1055375027/26 dated 9.6.2026 passed by the 1st respondent and quash the same consequently direct the 1st respondent to issue a passport to the petitioner in the light to the statutory provisions established by law, within a time frame to be fixed by this Honble court,subject to such conditions as this Honble court.

For Petitioner(s): M/s.P.Uma
For Respondent(s): M/S.G.Subramanian,CGSC FOR R1
M/S.Durai Gunasekeran, GA (Crl.Side) for R2

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ORDER

This writ petition has been filed for the following reliefs:-

"to call for the records relating to the impugned order bearing File No.FCL/1055375027/26 dated 9.6.2026 passed by the 1st respondent and quash the same consequently direct the 1st respondent to issue a passport to the petitioner in the light to the statutory provisions established by law, within a time frame to be fixed by this Honble court,subject to such conditions as this Honble court."

2. The petitioner would submit that he is a bike rider and that, to date, no injury has been caused to any person by him. However, several FIRs have been registered against him in different police stations, namely, Crime Nos.952 of 2022, 582 of 2022, 713 of 2023, 365 of 2024 and 72 of 2024, under various provisions of the Indian Penal Code, the Bharatiya Nyaya Sanhita and the Motor Vehicles Act.

3. The petitioner would further submit that he has not received any summons from any competent Criminal Court in respect of the aforesaid cases and, therefore, no criminal proceedings are pending before any Court, to his knowledge.

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4. The petitioner would submit that his earlier passport applications bearing File Nos. CB1065011024723 dated 27.01.2023, BN2066975450724 dated 26.09.2024 and CB1066021219425 dated 03.12.2025 were rejected/closed on account of pending police investigations. Aggrieved thereby, he approached this Hon'ble Court by filing W.P.No.14495 of 2025. By order dated 24.09.2025, this Hon'ble Court directed him to submit a fresh passport application and directed the Passport Authority to consider the same and pass appropriate orders.

5. The petitioner would submit that, pursuant to the said order, he submitted a fresh passport application bearing File No. CB1066021219425 dated 03.12.2025. However, the first respondent issued a show-cause notice dated 01.06.2026 and, despite the petitioner's appearance on 12.06.2026, closed the application on 09.06.2026 by invoking Section 6(2)(f) of the Passports Act, 1967.

6. The petitioner would further submit that the first respondent has mechanically rejected the application without properly ascertaining the status of the criminal cases or considering the applicable provisions of the Passports Act, 1967 and G.S.R.570(E) dated 25.08.1993, which provide for issuance of passports subject to appropriate conditions. Therefore, aggrieved by the impugned order, the petitioner has approached this Court seeking the reliefs

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stated supra.

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7. Heard the learned counsels on either side and perused the materials on record.

8. In ***Mahesh Kumar Agarwal v. Union of India***, reported in ***2025 INSC 1476***, the Hon'ble Supreme Court held that denial of a passport by invoking the provisions of Section 6(2)(f) of the Passports Act was erroneous, since the issuance of a passport is only a matter of providing a document for civil identity, whereas travel outside the country is a regulated activity. The right to allow or not to allow an accused person to travel abroad vests with the Court before which the criminal proceedings are pending. The Hon'ble Apex Court observed that persons facing criminal proceedings are not absolutely disentitled to obtain a passport, subject to the applicable statutory provisions and conditions. Relying on the said judgment, the Full Bench of the Madurai Bench of this Court, in W.P.(MD) No.26547 of 2025, dated 09.02.2026 ***(Jawahar Rajan Vs. The Regional Passport Officer),*** held that a person facing criminal proceedings may leave the country subject to the permission of the competent criminal Court, which may grant or withhold permission, impose conditions or refuse permission to travel abroad.

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9. In view of the above, this writ petition is allowed and the impugned order is set aside. The first respondent is directed to issue the passport to the petitioner, after following due procedure, in the light of the dicta laid down by the Hon'ble Supreme Court in ***Mahesh Kumar Agarwal v. Union of India and Another (cited supra)***. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It is needless to state that for travelling abroad, the petitioner shall obtain prior permission from the concerned Judicial Magistrate/Criminal Court in the event any case is pending against him at the time of travel. No costs. Consequently, the connected Miscellaneous Petition is closed.

27-10-2026

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

SHR

To
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