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W.P.No.50268 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 50268 of 2025

Ramesh Krishnagiri Jayavelu

...Petitioner

Vs.

1. Regional Passport Office,
Chennai Royala Towers
No.2 and 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002.

2. The Inspector of Police,
District Crime Branch,
Krishnagiri 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 the re-issued passport to the petitioner pursuant to his passport application in File No.MAD077042293924 as expeditiously as possible within the time that may be stipulated by this Court.



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For Petitioner : Mr. V.Anilkumar
For Respondent 1 : Mr. V.M.Shankar
Standing 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 the re-issued passport to the petitioner pursuant to his application in File No.MAD077042293924.

2. The petitioner would submit that he is a holder of Indian Passport since 1991 and the petitioner's last passport bearing No.M4734056 was issued on 27.12.2014, having validity till 26.12.2024. The petitioner had thereafter applied for re-issuance of passport primarily to visit his children and a newly born grandson residing abroad. However, the 1st respondent through his communication dated 21.02.2025, withheld the issue of passport on the



ground that they have received adverse police verification report referring to DCB Crime No.21 of 2015, which has ultimately culminated in CC.No.344 of 2019, on the file of the Judicial Magistrate II, Krishnagiri.

3. This criminal case arises out of a complaint which had been lodged in the year 2013 relating to property transaction, wherein the petitioner after executing the agreement of sale in favour of the complainant had executed settlement in his favour. 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.



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6. The Division Benches of this Court had taken a conflicted decision with reference to re-issue of passport pending criminal proceedings against the applicant in the following cases:

(i) *WA.No.902 of 2023 dated 02.06.2023.*

(ii) *WA (MD).No.2282 of 2025 dated 26.08.2025.*

Therefore, this Court had referred the matter for consideration by a Full Bench.

7. Whiles, 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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8. 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 Judicial Magistrate II, Krishnagiri, where CC.No.344 of 2019 was pending. No costs.

05.01.2026

Index : Yes/No
Internet : Yes/No

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