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W.P.No.2383 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 2383 of 2026

Jayakumar

...petitioner

Vs.

1.The Regional Passport officer,
Regional passport office,
Chennai Royala Towers Nos. 2 and 3,
IV Floor, Old No.785 New No. 158,
Anna Salai,
Chennai – 600 002.

2.The Inspector of Police,
Kachirapalaiyam Police Station,
Kallakurichi 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



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consider petitioner's Application No.25-1049191664 dated: 19-03-2025

File No. MAG064945109525 and to issue the passport in favor of petitioner within a time frame fixed by this Court.

For petitioner : Mr. V.Gunasekar

For respondent 1 : Mr. N.Manikandan
Central Government Standing
Counsel

For respondent 2 : Mr. L.Baskaran
Government Advocate
(Criminal Side)

ORDER

This writ petition is filed for the following relief:

“To direct the 1st respondent to consider petitioner's Application No.25-1049191664 dated: 19-03-2025 File No. MAG064945109525 and to issue the passport in favor of petitioner within a time frame fixed by this Court.”

2. The petitioner would submit that he had applied for passport in the month January 2025, in reference No. 25-1049191664 and the 1st



respondent had also issued an acknowledgment in file No.MAG064945109525. The petitioner would submit that despite lapse of 7 months, the 1st respondent has not issued the passport. When the petitioner verified the same through online, it shows that a criminal case in Crime No. 450/2024 under Section 191 (2), 296 (b), 126 (2), 115 (2), 351 (2) of BNS Act, was registered against him on the file of the 2nd respondent police and the petitioner was directed to give his explanation within a period of 30 days.

3. The petitioner would submit that one Anbu along with other persons had abused one person, namely, Vengatesan with a filthy language and attacked the said Vengatesan with hands and the petitioner was trying to prevent the said occurrence and he is in no way connected to the said crime. Therefore, the petitioner is before this Court seeking the aforesaid relief.

4. Heard the learned counsels and perused the records.



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5. In a recent judgement, in **2025 INSC 1476 – Mahesh Kumar Agarwal Vs. Union of India**, the Hon'ble Supreme Court held that the 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.

6. In view of the above, the 1st respondent is directed to take note of the fact that only an FIR was registered in the year 2024, but no charge sheet has been filed till date and to consider the petitioner's representation seeking issue of passport and pass appropriate orders, if all other parameters are found to be in order, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The 1st respondent shall bear in mind the dicta laid down in the



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aforesaid judgment.

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7. Accordingly, this writ petition is disposed of. No costs.

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Index : Yes/No

Internet : Yes/No

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