



WP(MD). No.5332 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02/03/2026

CORAM

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

WP(MD). No.5332 of 2026

R.Dharmaraja

.. Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai.

2. The Inspector of Police,
Thakkalai Police Station,
Kanyakumari District.

3. The Inspector of Police,
Ezhumalai Police Station,
Madurai District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus to direct the 1st Respondent to reissue the Petitioner's Passport in Passport No.R4732180 in reference to the File in Application Ref.No.25-1059138542 in File No.MD1073263459921 dated 11.02.2021, pending on the file of the 1st respondent Authorities.



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For Petitioner : Mr.M.Pirithivirajan
For R1 : Mr.T.Mahendran,
CGSC
For R2 & R3 : Mr.M.Vikkam Karunanithi
Government Advocate

ORDER

The petitioner is before this Court seeking a direction to the first respondent to re-issue the petitioner's passport bearing Passport No.R4732180.

2. It is submitted by the learned counsel for the petitioner that before the expiry of the validity of the said passport, the petitioner had submitted an application before the first respondent for re-issuance of the passport. The grievance of the petitioner is that the said application has not been considered till date.

3. The learned Standing Counsel appearing for the first respondent submitted that the petitioner's application has not been processed since a criminal case has been registered against the petitioner. It is further submitted that under Section 6(2)(f) of



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the Passport Act, 1967, the Passport Authority is empowered to refuse issuance of a passport if proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.

4. This Court, in **W. Jaihar William v. State of Tamil Nadu**, reported in 2014 (2) CWC 684, has held that mere pendency of an FIR cannot be construed as pendency of criminal proceedings unless the Judicial Magistrate has taken cognizance of the offence upon filing of the charge sheet on completion of investigation.

5. In the light of the above, the first respondent is directed to consider the petitioner's application dated 11.02.2021 for re-issuance of passport without reference to the FIR registered against him and issue the passport, if the petitioner is otherwise eligible for the same. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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6. Accordingly, this Writ Petition stands disposed of. No costs.

02.03.2026

CM

TO

1. The Regional Passport Officer,
Regional Passport Office,
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Race Course Road,
Madurai.

2. The Inspector of Police,,
Thakkalai Police Station,
Kanyakumari District.

3. The Inspector of Police,
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HEMANT CHANDANGOUDAR,J

CM

ORDER
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Date : 02/03/2026