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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.(MD)No.9278 of 2026

Imthiyaz Mansoor

.. Petitioner

- Vs. -

1. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2. The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai,
Madurai,
Madurai District.

3. The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus to direct the 1st and 2nd respondent/the Passport Officers, Madurai to renewal and to join the petitioner's spouse name namely Firdhous Samim and re-issue of the petitioner's Passport based on the application in File No.MD1075839427825 within the time



stipulated by this Court.

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For Petitioner

: Mr.M.Shakulhameed

For Respondents

: Ms.J.Padmavathy Devi
Central Government Standing Counsel
for R1&R2

: Mr.M.Vaikkam Karunanithi
Government Advocate(Crl. side)

ORDER

Ms.J.Padmavathy Devi, learned Central Government Standing Counsel accepts notice for R1 & R2 and Mr.M.Vaikkam Karunanithi, learned Government Advocate(Crl. Side) accepts notice for R3.

2. This writ petition is filed for issuance of writ of mandamus to direct the respondents 1&2 to renew the petitioner's passport pursuant to the application dated 23.10.2025. The petitioner was earlier issued with the passport which is valid upto 27.09.2021. The petitioner's application for renewal of passport had not been processed stating that a criminal case is pending against the petitioner.

3. It is undisputed except a criminal case for the offence under Section 138 of Negotiable Instruments Act, there is no criminal case pending against the petitioner in any criminal court in India.



4. Section 6 of the Passport Act deals with the refusal of passport and Sub section (f) to Section 6 states that the passport authority may refuse to issue passport if any proceedings in respect of the offence alleged to have been committed by the applicant is pending before any criminal Court in India.

5. In the instance, no criminal case is pending against the petitioner except a criminal case is pending for the offence punishable under Section 138 of NI Act which deals with dishonour of cheque which is not relate to offence under the BNS. In the absence of any statutory bar for re-issuance of passport, the refusal of granting new passport to the petitioner is arbitrary and discriminatory.

6. Accordingly, this Writ Petition is allowed. Respondents 1 and 2 are hereby directed to process the application dated 23.10.2025 bearing File No.MD1075839427825 and re-issue passport subject to the petitioner satisfying other criteria. The said exercise shall be completed within a period of four(4) weeks from the date of receipt of a copy of this order. No Costs.

07.04.2026

Index :Yes/No
NCC :Yes/No
PJL



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HEMANT CHANDANGOUDAR, J.

PJL

To

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