



W.P.(MD)No.12524 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.12524 of 2026

Sivaguru

... Petitioner

VS.

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

2.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st Respondent to reissue the petitioner's passport based on his Passport Application No.MD5076109097225 dated 19.12.2025 within a stipulated time that may be fixed by this Court, by considering the petitioner's representation dated 01.04.2026.

For Petitioner
For R1

:Mr.G.Hari Haran
:Mr.G.Ramanathan
Central Government Standing Counsel
:Mr.M.Vaikkam Karunanithi
Government Advocate (crl.side)

For R2



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ORDER

The petitioner is before this Court seeking issuance of a Writ of Mandamus directing the first respondent to re-issue his passport based on the application submitted in File No. MD5076109097225 dated 19.12.2025.

2.The grievance of the petitioner is that, though an application has been submitted for re-issuance of passport, the same has not been processed by the first respondent. According to the petitioner, the application has been kept pending on the ground that a criminal case has been registered against him.

3.Mr. M. Vaikkam Karunanithi, learned Government Advocate (Criminal Side) appearing for the second respondent, on instructions, submitted that no criminal case has been registered against the petitioner and that no criminal proceedings are pending against him before any criminal Court in India.



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4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The refusal to issue or renew a passport is governed by the provisions of the Passports Act, 1967. Under Section 6 of the Act, the Passport Authority is empowered to refuse issuance or renewal of a passport only in the circumstances specifically enumerated therein. One such ground is where proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.

6.In the present case, the only reason cited by the respondents is the registration of an FIR against the petitioner. However, mere registration of an FIR does not fall within the grounds contemplated under Section 6 of the Act. The statutory bar arises only when criminal proceedings are pending before a competent criminal court.

7.Therefore, the action of the first respondent in withholding the petitioner's application solely on the basis of the registration of an FIR is



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not in consonance with the provisions of the Passports Act, 1967.

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8.In view of the above, this Court finds merit in the petitioner's contention.

9.Accordingly, the writ petition is allowed and the first respondent is directed to process the petitioner's application for re-issuance of passport bearing File No. MD5076109097225 dated 19.12.2025 and issue the passport, subject to the petitioner satisfying all other eligibility criteria prescribed under law.

10.The above exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

11. There shall be no order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.



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HEMANT CHANDANGOUDAR, J.

cmr

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