



W.P.(MD)No.14602 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.06.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P(MD) No. 14602 of 2026

Syed Shahul Hameed Ahamed Thajdeen

.. Petitioner

- Vs. -

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

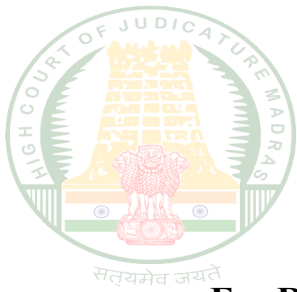
2. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram

3. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

.. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 1st respondent to issue passport based upon the petitioner application file No.MD1075244344825.

For Petitioner : Mr.S.Ramsundarvijayraj
for M/s.Veera Associates



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For Respondents : Mr.S.Poornachandran
Central Government Standing Counsel
for R1

: Mr.R.Mohamed Riyaz,
Government Advocate (criminal side)
for R2 and R3

ORDER

The petitioner is before this Court seeking a direction to the first respondent to reissue his passport pursuant to his application in File No. MD1075244344825.

2. The case of the petitioner is that he was initially issued a passport on 12.08.2002. According to him, the said passport was subsequently misplaced while he was abroad. In view of the loss of the passport, the Indian Embassy at Kuala Lumpur issued an Emergency Certificate on 05.11.2004 to enable him to return to India. Thereafter, a fresh passport was issued to him on 05.03.2005. The said passport was subsequently renewed on 12.01.2012 and again on 11.10.2019, and it remains valid up to the year 2029. The petitioner thereafter submitted an application before the first respondent seeking correction of the address



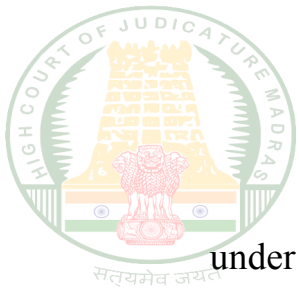
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mentioned in his passport.

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3. During the course of verification of the petitioner's application, the first respondent found that the petitioner had earlier been issued another passport on 31.10.1991. According to the respondents, while obtaining the passport issued on 12.08.2002, the petitioner had suppressed the fact of the earlier passport issued in 1991. It was further found that, in connection with the passport issued on 31.10.1991, the petitioner had also been issued an Emergency Certificate by the Indian Embassy, Kuala Lumpur, on 10.04.2002. The respondents therefore contend that the petitioner had overstayed in a foreign country without valid permission on more than one occasion and had been deported to India twice in different years on the strength of Emergency Certificates issued by the High Commission of India at Kuala Lumpur.

4. In view of the above allegations, the respondents contend that the petitioner, having suppressed material facts relating to the earlier passport, is not entitled to reissuance of the passport. According to them, the petitioner is also liable to be prosecuted for the offence punishable



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under Section 12(1)(b) of the Passports Act, 1967, and the passport subsequently issued to him is liable to be impounded under Section 10(3) (b) of the said Act.

5. The issue relating to refusal of a passport is governed by Section 6 of the Passports Act, 1967. A passport can be refused only on the grounds specifically enumerated under the said provision.

6. A perusal of the counter affidavit filed by the respondents shows that there is no allegation that the grant of a passport to the petitioner would be against public interest. There is also no allegation that the petitioner is likely to engage in activities outside India that are prejudicial to the sovereignty and integrity of India, or that his departure from India is likely to be detrimental to the security of the country. Except for the allegation that the petitioner had obtained the passport by suppressing material facts, there is no allegation against him which would attract any of the grounds specified under Section 6 of the Passports Act, 1967, so as to justify refusal of reissuance of the passport.



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7. In such circumstances, this Court is of the view that the petitioner is entitled to re-issuance of the passport. However, the grant or re-issuance of the passport will not prevent the first respondent from exercising any power available under law to impound the passport or to initiate criminal proceedings against the petitioner for the alleged offence under Section 12(1)(b) of the Passports Act, 1967, if the facts so warrant.

8. In light of the above, the writ petition is disposed of with a direction to the first respondent to reissue the passport after carrying out the necessary correction in the address column, pursuant to the petitioner's application, within a period of four weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying all other statutory requirements.

9. It is made clear that the first respondent is at liberty to take appropriate action in accordance with law, including impounding the passport and launching criminal prosecution for the alleged offence under Section 12(1)(b) of the Passports Act, 1967, if such action is otherwise permissible in law.



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10. There shall be no order as to costs.

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Index :Yes / No

NCC :Yes / No

PJL

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HEMANT CHANDANGOUDAR, J.

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