



W.P(MD)No.18322 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18322 of 2026

Kannan Malayandi

... Petitioner(s)

vs.

The Regional Passport Officer
Regional Passport Office
Bharathi Ula Veethi
Race Course Road
Near Thaamarai Thotti
K. K. Nagar
Madurai – 625 002 .

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondent to consider the petitioners application for the re-issue of passport under Reference No. 26-1053362558 and re-issue the passport to the petitioner within a stipulated time frame as fixed by this Court.

For Petitioner : Mr.V. Nagendran



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ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondent to consider the petitioner's application for the re-issue of passport under Reference No. 26-1053362558 and re-issue the passport to the petitioner within a stipulated time frame as fixed by this Court.

3.The learned counsel appearing for the petitioner submitted that the petitioner made application dated 21.02.2026 for issuance of passport, whileso, the petitioner received the impugned communication calling upon the petitioner to provide suitable explanation regarding the pendency of the criminal case, pursuant to which, the petitioner gave his explanation on 21.05.2026, however, there is no response. The learned counsel further submitted that the issue involved in the present case is no longer *res integra* and that similar issue has already been decided by the Hon'ble First Bench of this Court in W.A.No.902 of 2023 dated

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WEB COM 02.06.2023.

4.It is seen from the record that, as against the petitioner, a criminal case in Cr. No. 530 of 2017 for offences under Sections 279, 338, and 304(A) of the IPC is pending and the case is under investigation in C.C. No. 873 of 2023 on the file of the learned Judicial Magistrate No. II, Sivagangai District. Hence, the respondent issued the impugned communication and further submitted that it is only a communication calling for an explanation from the petitioner.

5.The issue involved in the present case is no longer *res integra*. Similar issue has already been decided by the Hon'ble First Bench of this Court in W.A.No.902 of 2023 [***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another***] dated 02.06.2023, the relevant portion of which is extracted hereunder:

"5. A Division Bench of the Bombay High Court, in the case of ***Abbas Hatimbhai Kagalwala v. State of Maharashtra and another***, 2022 SCC OnLine Bom 1992, to which one of us (S.V.Gangapurwala, CJ.) was a party, has followed the judgment of the Apex Court in the case of



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Vangala Kasturi Rangacharyulu, supra and directed the respondent therein to process the application of the petitioner for renewal of the passport.

6. The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7. In the light of the above, we pass the following order:

(i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is



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travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.

(ii) Decision shall be taken as above, within one month."

6.Following the decision cited supra, this Court directs the respondent to process the application of the petitioner without insisting the permission of the Court, where the criminal case is pending against the petitioner and take appropriate decision, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner wants to travel abroad, then the petitioner has to get necessary permission from the Court where the criminal case is pending against the petitioner.

7. With the above observations and directions, the writ petition stands allowed. No costs.



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

To

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M.DHANDAPANI,J.

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**ORDER MADE IN
W.P(MD)No.18322 of 2026**

DATED : 01.07.2026