



W.P(MD)No.18376 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.18376 of 2026

R.Thavin Ramu

... Petitioner(s)

vs.

1.The Regional Passport Officer,
Regional Passport Office, Bharathi Ula Veethi, Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Ervadi Police Station, Ramanathapuram District
(Crime No. 233 of 2021).

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the order in Letter Ref. No.SCN/1055333603/26 dated 06.06.2026 issued by the first respondent asking for explanation on the petitioner application for issue of passport and quash the same, consequently directing the first respondent to issue passport to the petitioner within the time stipulated by this Court.

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For Petitioner : Mr. N. Raja
For R2 : Mr.R.Mohammed Riyaz

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 Writ of Certiorarified Mandamus and quash the order of the first respondent in Letter Reference No.SCN/1055333603/26, dated 06.06.2026 and to direct the first respondent to issue to the petitioner passport in accordance with law.

3.The learned counsel appearing for the petitioner submitted that the petitioner made application dated 29.04.2026 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 in person, however, there is no response. The learned counsel further submitted that the issue involved in the



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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 02.06.2023.

4.It is seen from the record that, as against the petitioner, a criminal case in Cr. No. 233 of 2021 for offences under Sections 379 of the IPC read with Section 21(1) of Mines and Minerals Development Regulation Act, is pending and the case is under investigation and hence the first respondent issued the impugned communication and further submitted that it is only a communication calling for 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*



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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 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



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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 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 is inclined to set aside the impugned communication. Accordingly, the communication in Letter Reference No.SCN/1055333603/26, dated 06.06.2026 of the first respondent is set aside. The first respondent is directed 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.



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

01.07.2026

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

To

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Madurai – 625 002.

2.The Inspector of Police,
Ervadi Police Station, Ramanathapuram District



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M.DHANDAPANI,J.

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**ORDER MADE IN
W.P(MD)No.18376 of 2026**

DATED : 01.07.2026