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W.P.No.2529 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 2529 of 2026

Mohamed Jabir Nainar Kaja

...Petitioner

Vs.

1.The Regional Passport Officer,
Royala Towers, No.2 & 3,
IV Floor,
No.158, Anna Salai,
Chennai - 600 002.

2.The Commissioner of Customs, (Air)
New Customs House, Cargo complex,
Meenambakkam,
Chennai 600 027

3.The Inspector of Police,
C-3, Seven Wells Police Station
Chennai 600 001

...Respondents



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Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 1st respondent herein to dispose of the petitioner's application dated 18.10.2025 for re-issuance of his passport in file No.MA1075803690625 by considering the representation dated 06.11.2025 sent by the petitioner within a stipulated period.

For Petitioner : Mr. M.M.Kalifudeen

For Respondent 1 : Mr. M.Sathyan
Additional Central Government
Standing Counsel

For Respondent 2: M/s.Anuganesan
Senior Panel Counsel

For Respondent 3: Mr. L.Baskaran
Government Advocate
(Criminal Side)

ORDER

This writ petition is filed seeking a writ of mandamus, directing the 1st respondent herein to dispose of the petitioner's application dated 18.10.2025 for re-issuance of his passport in file



W.P.No.2529 of 2

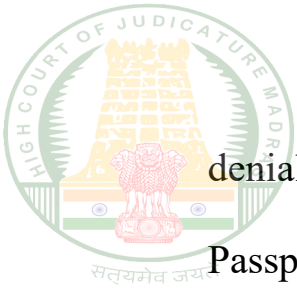
No.MA1075803690625 by considering the representation dated 06.11.2025 sent by the petitioner within a stipulated period.

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2. The petitioner would submit he had had submitted an application to re-issue the passport to the 1st respondent with file number No.MA1075803690625 dated 18.10.2025. At the time of making an application he had duly furnished all the documents as sought by the 1st respondent. The petitioner would submit that he had no criminal case pending against him in any Criminal Court in India. However, his passport application is kept pending on the direction of the Chennai Customs stating that a penalty imposed against him by Customs Adjudicating Authority is pending. Therefore, the petitioner is before this Court.

3. Heard the learned counsels on either side and perused the records.

4. In a recent judgement, in **2025 INSC 1476 – Mahesh Kumar Agarwal Vs. Union of India**, the Hon'ble Supreme Court held that



denial of passport by quoting the provisions of Section 6 (2) (f) of the Passports Act, was erroneous, since the issue of passport is only a case of providing document for civil identity, whereas travel out of the country was a regulated activity. The right to allow or not to allow the accused person from traveling abroad vests with the Court, in which the criminal proceeding is pending. The Hon'ble Apex Court observed that the issuing authority is bound to issue passport and it does not possess any power to deny the issue of passport itself.

5. In the light of the above, this writ petition is disposed of directing the 1st respondent to dispose of the petitioner's application, applying the dicta laid down in the above Judgement, within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

18.02.2026

Index : Yes/No
Internet : Yes/No

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W.P.No.2529 of 2



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To

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