

W.P.(MD)No.11944 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.04.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.11944 of 2026

Kannan Krishnasamy

... Petitioner

vs.

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

2.State of Tamil Nadu
Rep. by the Inspector of Police,
Soolakarai Police Station,
Virudhunagar 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 issue passport to the petitioner by considering his application, dated 28.08.2023, in File No. MD 3065722627523.

For Petitioner	:Ms.S.Devasena
For R1	:Ms.T.Saroja
	Central Government Sanding Counsel
For R2	:Mr.M.Vaikkam Karunanithi
	Government Advocate (Crl.side)



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ORDER

The petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the first respondent to issue a passport to the petitioner by considering his application dated 28.08.2023 in File No. MD 3065722627523.

2. Heard Ms. Devasena, learned counsel for the petitioner; Ms. T. Saroja, learned Central Government Standing Counsel, who accepts notice on behalf of the first respondent; and Mr. M. Vaikkam Karunanithi, learned Government Advocate (Crl. Side), who accepts notice on behalf of the second respondent.

3. The grievance of the petitioner is that, though an application was submitted for issuance of a fresh 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.



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4. Mr. M. Vaikkam Karunanithi, learned Government Advocate (Criminal Side) appearing for the second respondent, on instructions, submitted that a criminal case has been registered against the petitioner in Crime No. 274 of 2011.

5. 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.



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

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

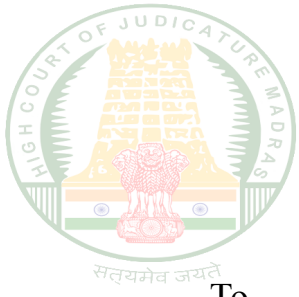
9. Accordingly, the writ petition is allowed and the first respondent is directed to process the petitioner's application for issuance of a fresh passport in File No. MD 3065722627523 dated 28.08.2023 and issue the passport, subject to the petitioner satisfying all other eligibility criteria prescribed 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
NCC :Yes / No
cmr

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The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.



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HEMANT CHANDANGOUDAR, J.

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