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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01/09/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

WP(MD). No.25198 of 2026

Shivani ... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirapalli.

2. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District. ... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing to the 1st respondent to Re-Issue of the passport bearing No. N1574854 on the basis of application File No. TR2068665367115 based on the petitioners representation dated 22.08.2026 within the time stipulated by this Court.

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For Petitioner : Mr. A.Banumathy,
Advocate.

For Respondents : Mr.T.Saroja - for R1
Central Government Standing Counsel

Mr.P.Vetrivel - for R2
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed seeking to issue Writ of Mandamus, directing to the first respondent to Re-Issue of the passport bearing No. N1574854 on the basis of application File No. TR2068665367115 based on the petitioners representation dated 22.08.2026 within the time stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner is a transgender woman. Earlier she was a male and had availed a passport in her original name, namely Thiyagarajan, bearing passport No.N1574854. He had been travelling abroad for employment opportunities. In the interregnum, he underwent a Gender Affirmation Surgery and had become a Transgender Woman. Therefore, she made an

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application for renewal of passport. Pursuant to the said surgery, she had also changed her name from Thiyagarajan to Shivani and got it gazetted through the Government of Tamil Nadu. Hence the reassurance application has been made to issue a passport in her new name. The same is pending stating that one criminal case is pending, however, the same is with respect to protest to waive off the agriculture loan.

3. The learned Government Advocate (Criminal Side) appearing for the second respondent submitted that an FIR is pending against the petitioner and that the same is under investigation.

4. Heard the learned counsel on either sides and carefully perused the materials placed before this Court.

5. Mere pendency of FIR cannot be a bar to the consideration of the petitioner's application for the issuance of a passport by the first respondent.

6. The issue involved in the present case is no longer res integra. An identical issue has already been decided by the Hon'ble First Bench of this Court in the case of ***The Regional Passport Officer, Chennai v.***

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***Samsudeen Mohamed Salih and another*[1],** 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 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.*

1 WA.No.902 of 2023 dated 02.06.2023

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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 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."

7. Following the aforesaid decision, the first respondent is directed to process the petitioner's passport application without insisting upon an order or permission from the jurisdictional criminal Court and to take an appropriate decision on the application, on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. However, if the petitioner intends to travel abroad, it is open to the petitioner to obtain the necessary permission from the jurisdictional criminal Court before undertaking such travel.

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8. As far as the identity of the petitioner is concerned, it is for the first respondent to conduct a discrete enquiry and the respondent police is also directed to submit a specific report on the surgery which was the petitioner underwent and also the name change which has been claimed by her.

9. With the above directions, this writ petition stands disposed of. No costs.

01.09.2026

NCC : yes / no
Index : yes / no

Note : Issue order copy on **08.09.2026**

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To

1. The Regional Passport Officer, Regional Passport Office,
New Municipal Complex, Thillainagar 7th Cross, Tiruchirapalli.

2. The Inspector of Police, Ganesh Nagar Police Station,
Pudukkottai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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L. VICTORIA GOWRI, J.

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ORDER
IN
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