



W.P.No.2787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.2787 of 2024

K.Venkatesh

... Petitioner

Vs.

- 1.Regional Passport Officer,
Regional Passport Office,
Royala Towers 2 & 3, 4th Floor,
New No.158, Anna Salai,
Chennai – 600 002.
- 2.The Commissioner of Police,
Type V, Qtr No.5/1, HVF Estate,
Bhaktavatsala Puram, Avadi,
Chennai – 600 054.
- 3.The Inspector of Police,
M4 Police Station,
No.1, 172A, GNT Road,
Red Hills, Chennai – 600 052.
- 4.The Superintendent of Police,
District Police Office,
YSR District, Kadappa,
Andhra Pradesh – 516 002.
- 5.The Superintendent of Police,
Tirupathi Urban SP Office,
Tirupathi, Chittoor,
Andhra Pradesh – 517 501.



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6.The Director General of Police,
Andhra Pradesh.

... Respondents

*[R6 impleaded as per order dated 28.04.2025
in W.P.No.2787 of 2024]*

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent for re-issuance of the petitioner's passport bearing No.G4396107 herein to allow and permit him to travel abroad in exercise of his fundamental right to travel by permanently removing all travel restrictions whatsoever, with immediate effect, in the light of the representation dated 04.01.2024.

For Petitioner	: Mr.G.Mohanakrishnan for Mr.D.S.Rajasekar
For R1	: Mrs.P.J.Anitha Central Government Standing Counsel
For R2 and R3	: Mr.L.Baskaran Government Advocate
For R5 and R6	: Mr.Rajendran Raghavan Special Public Prosecutor
For R4	: No appearance

ORDER

The petitioner seeks for a direction, directing the 1st respondent, for re-issuance of the petitioner's passport bearing No.G4396107.



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2.It is the contention of the petitioner that the petitioner applied for re-issuance of his passport, however, the 1st respondent sent a communication dated 04.10.2013 reporting that certain criminal cases are pending trial against the petitioner before the Courts of law and hence, re-issue of passport cannot be recommended. Subsequently, the 1st respondent, by notice dated 22.03.2016, directed the petitioner to surrender the passport and also to state as why his passport should not be impounded in view of the pendency of the criminal cases as against the petitioner. Thereafter, the petitioner filed a writ petition in W.P.No.14437 of 2020 seeking re-issuance of passport bearing No.M4345988 under ECNR Category. This Court, by order dated 14.11.2022, directed the 1st respondent to consider the application of the petitioner on merits. Accordingly, the petitioner sent a representation to the 1st respondent on 04.01.2024 for re-issuance of his passport for which no reply was given. Hence, the present writ.

3.Detailed status reports have been filed by the respondents 3 and 6 giving the complete particulars of the cases pending as against the petitioner in various Districts in the States of Andhra Pradesh and Tamil Nadu. The



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same are taken on record. The status report would show that the petitioner is involved in Red Sander Smuggling in the State of Andhra Pradesh in various Districts and thereby, 19 cases are pending in Annamaya District; 5 cases in Tirupathi District; 20 cases in YSR Kadapa District (totally 49 cases) in the State of Andhra Pradesh and 7 cases are pending in the State of Tamil Nadu as against the petitioner.

4. Heard both sides and perused the materials placed on record.

5. At the outset, it is relevant to note that, mere pendency of criminal case(s), is not a bar for processing the application for issuance of passport. This aspect has been clearly held by the First Bench of this Court in the case of *The Regional Passport Officer vs. Samsudeen Mohamed Salih and another* [W.A.No.902 of 2023, dated 02.06.2023]. The relevant paragraph of the judgment reads as follows:-

“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



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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.”

6. That apart, it is clear that, even when conviction is recorded, refusal of passport can be only in the case of the appellant being convicted during the period of five years immediately proceeding the date of application for an offence involving moral turpitude and sentenced to imprisonment for not less than two years.

7. In ***Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation [Criminal Appeal No.1342 of 2017 dated 27.09.2021,*** wherein, the appellant therein was convicted to undergo one year of imprisonment, the Hon'ble Apex Court has held that the passport authority cannot refuse the renewal of passport on the ground of pendency of criminal appeal. The relevant portion of the judgment reads as follows:-

“Admittedly, at present, the conviction of the appellant stands still the disposal of the criminal appeal. The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.



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The passport authority is directed to renew the passport of the applicant without raising the objection relating to the pendency of the criminal appeal in this Court. Subject to the other conditions being fulfilled, the Interlocutory Application stands disposed of.”

8.Considering the above judgments, I am of the view that, mere pendency of criminal case(s) is not a bar for processing the passport application. In such view of the matter, there shall be a direction to the 1st respondent to consider the petitioner’s application for re-issuance of passport, dated 04.01.2024, and issue passport, if otherwise the petitioner satisfies other conditions. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9.However, after such re-issuance of the passport, since it is stated that 49 criminal cases are pending as against the petitioner for many years in Andhra Pradesh and 7 cases are pending in Tamil Nadu, the passport shall be surrendered before the learned Judicial Magistrate No.2, Ponneri, where cases are now pending as against the petitioner. It is made clear that, if the petitioner proposes to travel abroad, he has to necessarily seek permission from all the Courts wherever criminal cases are pending against him.



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10. With these directions, this writ petition is disposed of. No costs.

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Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes

To

1. The Judicial Magistrate No.2,
Ponneri.
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N. SATHISH KUMAR, J.

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