



WEB COPY

WA No. 2109 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A. No. 2109 of 2025

Vivekananda Reddy Katama
S/o. Venkata Subba Reddy Katama,
11A, Devadoss Street, VGN Avenue,
Mogappair, Chennai-600 037

Appellant(s)

Vs

1. The Regional Passport office
Chennai Royala Towers, No.2 and 3 IV
Floor, Old No.785, New No.158, Anna
Salai, Chennai-600 002

2.The Inspector of Police
Central Crime Branch-II, Chennai

Respondent(s)

PRAYER

The Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 29.04.2024 passed by this Court in W.P.No.7900 of 2024.



WEB COPY

WA No. 2109 of 2025



For Appellant(s): Mr. G.Mohana Krishnan

For Respondent(s): M/s.V.Sudha
Sr. Central Govt. Panel Counsel For R1

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU, J.)

The present Writ Appeal has been filed against the order dated 29.04.2024 passed by this Court in W.P.No.7900 of 2024.

2. The writ petitioner is the appellant herein. The facts of the case would disclose that since the appellant/writ petitioner's passport is about to expire on 25.08.2024, he applied for re-issue of passport on 22.01.2024 with the application No.MA1076182024124 through a DTP Center. Thereafter, the petitioner received a letter dated 13.04.2024 from the first respondent seeking clarification regarding the receipt of an adverse Police Verification Report received by the respondent, due to which, he appeared in person before the first respondent and submitted his detailed explanation. Even though the petitioner disclosed the details of the two cases, which were pending against him, he was mandated to obtain the order of the Court for issuance of passport. Hence, the petitioner is constrained to move the writ petition. The Writ Court, after hearing the submissions made, dismissed the Writ Petition and observed as follows:-



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“11. When the issuance of passport during the pendency of the criminal proceedings has been required, a person seeking issuance or re-issuance of passport during the pendency of the criminal case has to approach the jurisdictional criminal court necessarily for seeking permission to travel abroad. The Court concerned may consider the notification issued by the Ministry of External Affairs while granting permission to such accused persons to travel abroad.

12. In the present case, admittedly trial is pending in C.C.No.168 of 2022 before the Judicial Magistrate No.1, Alandur, Chennai. Therefore, for all purposes, it is to be construed that the criminal cases are pending for trial and the petitioner is at liberty to participate in the trial and subject to final outcome, he is at liberty to approach the Regional Passport Office to consider his application by following the due process. Contrarily, he cannot secure passport during the pendency of a criminal case and such an attempt cannot be considered by this Court.”

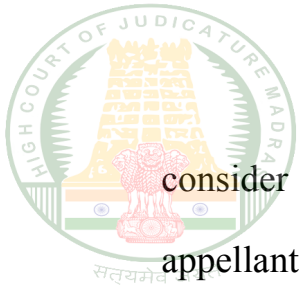
3. The learned counsel appearing for the appellant would contend that the learned Single Judge failed to consider that the appellant has not deliberately suppressed the pendency of the criminal cases when the application for re-issue of passport was filed and failed to appreciate that there are several procedures that entitles passport to the applicant, even though there are criminal cases pending against him. It is further contended that criminal cases were foisted against the appellant based on a false complaint lodged by the complainant on personal vendetta to extort money from the appellant and apart from that, no other case is pending against the appellant and would also contend that refusing to provide passport to the appellant till the pendency of the cases is unjustifiable and is bad in law. It is further contended that except the appeal in CrI.A.No.80



of 2024, pending before the District Court, Chengalpattu, for the conviction order passed for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.59 of 2021, no other case is pending against the appellant and since the appellant's business majorly requires him to fly to other countries, the untenable reasons stated by the first respondent in not providing passport to the appellant had largely affected his business causing heavy loss and hardships. However the Writ Court has failed to consider these aspects and therefore, prays for interference.

4. Heard the learned Senior Central Government Panel Counsel for the respondents and also perused the materials on record.

5. Admittedly, the appellant/petitioner is facing trial in C.C.No.168 of 2022 before the Judicial Magistrate No.1, Alandur, Chennai. It is seen from the records that the appellant has proposed to travel abroad during the pendency of the criminal case. The practice of filing a writ petition during the pendency of criminal case for the purpose of securing the passport to travel abroad, if permitted would hamper the criminal proceedings. Though the Writ Court had opined that the Criminal Court may not be in a position to proceed with the trial or grant of the relief would lead to destroy the prosecution in establishing the offence before the criminal Court of law, the Writ Court had already given liberty to the petitioner / appellant that subject to the final outcome in the criminal case, the petitioner shall approach the Regional Passport Office to



consider his application by following the due process. Therefore, it is for the appellant / petitioner to approach the Judicial Magistrate concerned for speedy disposal of the trial and thereafter, he may file an application before the Regional Passport Office for re-issuance of passport. In the considered opinion of this Court, there is no infirmity in the impugned order passed by the learned Single Judge. The present writ appeal lacks merit and deserves dismissal.

6. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
06-08-2025

ASI

To

1.The Regional Passport Office,
Chennai Royala Towers, No.2 and 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002

2.The Inspector of Police
Central Crime Branch-II,
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