



WEB COPY

WP No. 40398 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 40398 of 2025
and WMP No. 45371 OF 2025**

V.Rajesh

Petitioner(s)

Vs

1. Union of India

Rep. By its Secretary,
Ministry of External Affairs,
New Delhi.

2.The Regional Passport Officer

Regional Passport Office,
Raheja Towers Mount Road, Chennai.

Respondent(s)

PRAYER; This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in proceedings No. MA3066810412724 dated 18.09.2024 quash the same and consequently to direct the 2nd respondent to issue passport to the petitioner as applied in Application No. ARN- 24- 10096810412724 dated 02.08.2024.

For Petitioner(s): Mr.M.L. Ramesh

For Respondent: Mr.G.Subramanian, CGC



ORDER

This writ petition has been filed seeking to quash the proceedings on the file of the 2nd respondent in proceedings No. MA3066810412724, dated 18.09.2024 and consequently, to direct the 2nd respondent to issue passport to the petitioner as applied in Application No. ARN- 24- 10096810412724 dated 2.08.2024.

2. It is the case of the petitioner that the petitioner made application for issuance of passport. However, the same was rejected vide impugned order dated 02.08.2024 on the ground that there is a criminal case is pending as against the petitioner in Cr.No.2480 of 2017 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai in CC.No.8255/2019. Challenging the said impugned proceedings passed by the second respondent, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the issue involved in the present Writ petition is no longer *res integra* and the similar issue has already been decided by the Hon'ble First Bench of this Court in WA. No.902/2023 dated 02.06.2023 wherein this Court held that mere pendency of the criminal case is not a bar for renewal of the passport. If the person wants to travel abroad, he has to get necessary permission from the Court, where the criminal case is pending.

4. The learned counsel for the respondent has not objected the



submissions made by the learned counsel for the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that the petitioner has made application for issuance of passport and the same was rejected on the sole ground that a criminal case is pending as against the petitioner herein in CC.No.8255/2019 on the file of the Chief Metropolitan Magistrate, Chennai. In this background, the learned counsel for the petitioner relied upon the decision rendered by the Hon'ble First Bench of this Court in WA.902 of 2023 dated 02.06.2023.

7. This Court perused the judgment passed by this Court and the relevant paragraphs are extracted herein;

*"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.

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."

8. Since the present issue is also one and the similar, therefore, following the said Judgment of this Court, the following orders are passed:

"(i) The impugned order passed by the first respondent is set aside;

(ii) The respondent is directed to process the application of the petitioner without insisting the permission of the Court, where the criminal case is pending against the petitioner and decision shall be taken as above, within a period of four weeks from the date of receipt of a copy of this order.

(iii) If the petitioner wants to travel abroad, he has to get



necessary permission from the Court where the criminal case is pending against him."

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9. With the above observations and directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

28-10-2025

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Note: issue order copy on 05.11.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Secretary, Ministry of External
Affairs,
Union Of India, New Delhi

2. The Regional Passport Officer
Regional Passport Office,
Raheja Towers, Mount Road, Chennai.



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