

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 109 of 2025

1. Jeevanandam Rajesh
S/o.P.Jeevanandam, Residing At
174, Ceebros Towers, Flat No.1503
MRC Nagar, Chennai-600 028

Petitioner(s)

Vs

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

Respondent(s)

For Petitioner(s): Mr.R.Sankaranarayanan
Senior Advocate for
Mr.Arjun Suresh
For Respondent(s): Mr. B. Ramprabu, ACGSC,

ORDER

This writ petition has been filed challenging the proceedings of the respondent dated 11.11.2024 and for a consequential direction to the respondent to renew the passport of



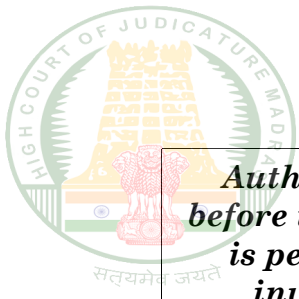
the petitioner for a period of ten 10 years, which was renewed only for a period of one year from 11.11.2024.

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2. Heard Mr.R.Sankaranarayanan, learned Senior Advocate for Mr.Arjun Suresh, learned counsel for the petitioner and Mr. B. Ramprabu, Additional Central Government Standing counsel for respondent.

3. The case of the petitioner is that there are criminal cases pending against the petitioner and the particulars of the same is extracted hereunder:-

<i>Authority / Court before whom the case is pending trial/ investigation</i>	<i>Case /FIR/Warrant number</i>	<i>Particulars of complaint</i>
CBI, Bengaluru	CBI/BS&FC/13/2018	Section 120 B r.w 420, 468 & 471 of the Indian Penal Code relating to Criminal, Conspiracy, cheating, forgery for the purpose of cheating using as a genuine forged document.
CBI, Chennai	RC/MA/1/2020	Section 120 B r/w 420 the Indian Penal code and Section 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988 relating to criminal, Conspiracy, cheating, criminal misconduct
Additional Chief Metropolitan Magistrate	EOCC/496/2017	Section 276CC of the Income Tax Act, 1961 for wilful failure to furnish return of income for AY 2013 – 14
Additional Chief Metropolitan Magistrate	EOCC /49/2022	Section 207(3) of the Companies Act, 2013 for



<i>Authority / Court before whom the case is pending trial/ investigation</i>	<i>Case /FIR/Warrant number</i>	<i>Particulars of complaint</i>
Chennai		failure to appear before the Regional Director, Ministry of Corporate Affairs southern Region.

4. The petitioner submitted his application to the respondent seeking for renewal of passport. The grievance of the petitioner is that the respondent has renewed the passport only for a period of one year and whereas, the petitioner is seeking for renewal for a period of 10 years. Aggrieved by the decision taken by the respondent, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the mere pendency of the criminal case against the petitioner is not a ground to restrict the renewal of the period of passport to one year. Ultimately, if the petitioner wants to leave the country, he has to necessarily get the permission of the concerned Court where the actual restriction is contemplated. This issue was considered by the Division Bench of this Court in WA No.902 of 2023 wherein it was held that the passport authority can process the application and renew the passport without insisting for the permission of the Court. Only when it comes to travelling abroad, the concerned person must seek for permission from the Court where the criminal case is pending.

6. The next issue is with respect to the period for which the passport should be renewed. For this purpose, the learned Senior

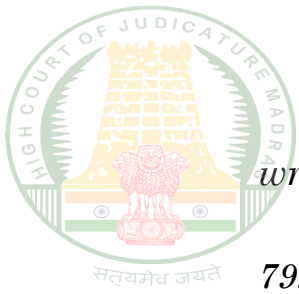


counsel relied upon the order passed by this Court in WP No.1190 of 2024 dated 28.03.2024. In that case, this Court considered the scope of Section 7 (b) of the Passport Act, 1967 and it was held that the passport has to be issued for the regular period of ten 10 years. The relevant portions are extracted hereunder:-

76. I now advert to the curtailment of period of validity in the present case. Section 7 of the Act provides for duration of passports and travel documents and states that a passport or travel document shall, unless revoked earlier, continue in force for such period as may be prescribed. It also provides for different periods to be prescribed for different classes of passports or travel documents. This provision then, takes us to Rule 12 under which an ordinary passport containing 36 pages shall be in force for a period of 10 years from the date of its issue.

77. Section 7 states that a passport or travel document may be issued for a shorter period than the prescribed period if (a) such request is made by the applicant; or (b) if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period.

78. Section 8 deals with extension of period of passport and states that where a passport has been issued for a period shorter than that prescribed under section 7, then, such shorter period shall be applicable for all extensions unless the passport authority, for reasons to be recorded in



writing, otherwise determines.

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79. In other words, if the petitioner's passport were to be curtailed for a period of one year, then all extensions would only be for a period of one year, unless the authority concerned passes an order assigning reasons as to why the extension was made for a period other than one year. This reiterates the position that the curtailment must itself be made only for reasons to be set out in writing.

80. Section 10 which deals with variation, impounding and revocation of passports and travel documents states that a Passport Authority having regard to the provisions of Section 6(1) or any Notification under Section 19 which deals with passports and travel documents to be invalid for travel to certain countries, may vary or cancel the endorsement on a passport or travel document, or may vary or cancel the conditions subject to which a passport or travel document has been issued, with the previous approval of the Central Government and for that purpose, may impound the passport.

81. Section 10(2) states that the conditions on a passport or travel document may be varied on the application of a passport holder with the previous approval of the Central Government. Section 10(3) vests wide power in a passport officer to impound or cause to be impounded a passport or travel document if the authority was satisfied that the holder of the passport or travel document is in wrongful possession thereof or if the passport or travel document was obtained by suppression of material information or wrongful information provided by the holder, if the impounding is necessary in the interests of sovereignty and



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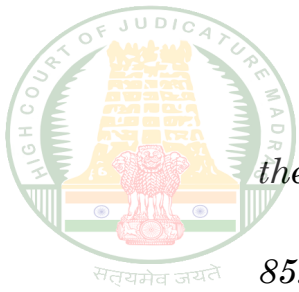


integrity of India, its security, friendly relations to a foreign country, or in public interest, if the passport holder has been convicted for any offence involving moral turpitude and sentenced to two years imprisonment or more in respect thereof, if proceedings in respect of the offence alleged to have been committed by the holder of the passport or travel document was pending before the criminal Court in India, if any of the conditions of the passport or travel document has been contravened, if a passport holder has failed to comply with a notice requiring him to deliver the same to the authority or if there is a pending warrant against a passport holder issued by a Court which prohibits the person from departure from India.

82. Section 10 A provides for suspension of passports or travel documents in certain cases and states that without prejudice to the general provisions for impounding of passport, the Central Government or the designated officer may, if satisfied, suspend a passport or travel document for a period not exceeding four weeks.

83. Thus, the Scheme of the Act contains a carefully crafted in built code to protect against the possible misuse of passport. The grounds for non-issue are set out under Section 6(2) and the measures to protect against possible misuse are set out under Sections 7, 8 and 10.

84. In this case, we are concerned with curtailment of period of passport which is permissible in terms of Section 7 upon reasons to be communicated in writing to the applicant. A query was put by the Court as to whether the Writ Petition was pre mature as no order had been passed on the application of



the petitioner seeking extension for the full period of ten years.

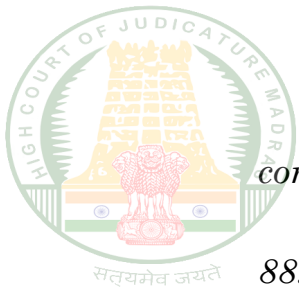
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85. Mr.Sundaresan orally, as well as the counter in writing, confirm the apprehensions of the petitioner to the effect that though the passport was intended to be issued, it would have contained only a shorter validity period of one year. The counter, at paragraph 12, confirms this position in the following terms:

□ Furthermore, only one year Short Validity Passport may be issued to the applicant as per clause a(ii) of GSR 570(E) unless the court order specifies a period for which the passport has to be issued, in which case clause a(i) of GSR 570(E) will be applicable.□

86. There is thus no purpose to be served in directing the respondent to dispose the petitioner's application, as, the result of such a direction is a foregone conclusion. Section 7(b) permits the issuance of a short validity passport only in the event reasons have been assigned for such issuance. The counter does not set out any reasons at all for such curtailment, and there is no elaboration of this aspect of the matter by the learned ASG orally either, despite a specific query posed to him in this regard.

87. Though the pendency of the criminal cases is admitted, the petitioner has approached the Courts several times in the interim seeking permission to travel. Such permission is seen to have been granted and there is also a finding in the order of the learned Special Judge (PC Act) (CBI) □09 dated 19.12.2023 to the effect that the petitioner has not breached any of the



conditions imposed by the Courts thus far.

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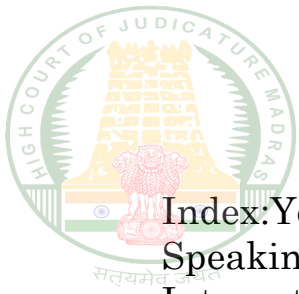
88. Thus, and also for the reason that the proposal to limit the period of passport is bereft of any reasoning, I see no impediment for the issuance of a passport with regular validity of 10 years and direct the respondent to do so forthwith. The passport, once received by the petitioner, shall immediately be surrendered to the Court in whose possession it has been thus far.

7. In view of the above, the impugned communication dated 11.11.2024 issued by the respondent is interfered to the extent of restricting the renewal of passport for a period of one year. There shall be a direction to the respondent to renew the passport for the regular period of 10 years. This process shall be completed by the respondent within a period of four weeks from the date of receipt of a copy of this order. It is made clear that if and when the petitioner wants to travel abroad, the permission should be sought for before the concerned Court where the criminal case is pending and the same will be dealt with by the Court on its own merits and in accordance with law.

8. In the result, this writ petition is disposed of with the above directions. No costs.

11-07-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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