



WEB COPY



W.P.No.42196 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42196 of 2025

And

W.M.P.No.47246 of 2025

Rajbabu Dhanajayan

... Petitioner

Vs.

1 THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
MINISTRY OF EXTERNAL AFFAIRS,
ROYALA TOWERS NO.2 AND 3,
IV FLOOR, OLD NO.785,
NEW NO.158, ANNA SALAI,
CHENNAI – 600 002.

2 THE INSPECTOR OF POLICE
R-10, MGR NAGAR POLICE STATION,
CHENNAI.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating the impugned communication in Letter Ref.No.SCN/319976967/24 dated 13.11.2024 of the first respondent and quash the same as illegal and contrary to the judgment of this Hon'ble court in The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another in W.A.No.902 of 2023 and consequently direct the first respondent to re-issue passport to the petitioner within time frame



W.P.No.42196 of 2025

stipulated by this Hon'ble Court.

For Petitioner : Mr.I.Abdul Basith
For Respondents : Mrs.P.Rajalakshmi for R1
Mr.S.Balaji for R2
Government Advocate (Crl. Side)

ORDER

Mrs.P.Rajalakshmi, learned counsel takes notice on behalf of the first respondent. Mr.S.Balaji, learned Government Advocate (Crl. Side) takes notice on behalf of the second respondent. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating the communication in Letter Ref.No.SCN/319976967/24 dated 13.11.2024 of the first respondent and quash the same as illegal and contrary to the judgment of this Court in The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another in W.A.No.902 of 2023 and consequently direct the first respondent to re-issue passport to the petitioner within the time frame stipulated by this Court.

3.The learned counsel appearing for the petitioner submitted that the petitioner was issued with passport on 17.12.2014 by the



W.P.No.42196 of 2025

respondent and the same expired on 16.12.2024 and hence the petitioner made application dated 24.10.2024 for re-issuance of passport, whileso, the petitioner received the impugned communication calling upon the petitioner to furnish proper explanation regarding the circumstances under which the petitioner had suppressed the pendency of criminal case. The learned counsel further submitted that the issue involved in the present case is no longer *res integra* and that similar issue has already been decided by the Hon'ble First Bench of this Court in W.A.No.902 of 2023 dated 02.06.2023, wherein, this Court held that mere pendency of the criminal case is not a bar for renewal of passport.

4.The learned counsel appearing for the first respondent submitted that as against the petitioner, a criminal case in Cr.No.232 of 2024 for the offence under Section 294(a) of IPC 37, 71A (2) of TNCP Act, 24 of TNP Act is pending and the case is under investigation and hence the first respondent issued the impugned communication and further submitted that it is only a communication calling for explanation from the petitioner.

5.The issue involved in the present case is no longer *res integra*.



W.P.No.42196 of 2025

Similar issue has already been decided by the Hon'ble First Bench of this Court in W.A.No.902 of 2023 [The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another] dated 02.06.2023, 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



W.P.No.42196 of 2025

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."*

6.Following the decision cited supra, this Court is inclined to set aside the impugned communication. Accordingly, the communication in Letter Ref.No.SCN/319976967/24 dated 13.11.2024 of the first respondent is set aside. The first 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 take appropriate decision, within a period of four weeks from the date



W.P.No.42196 of 2025

of receipt of a copy of this order. If the petitioner wants to travel abroad, then the petitioner has to get necessary permission from the Court where the criminal case is pending against the petitioner."

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

12.11.2025

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1 THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
MINISTRY OF EXTERNAL AFFAIRS,
ROYALA TOWERS NO.2 AND 3,
IV FLOOR, OLD NO.785,
NEW NO.158, ANNA SALAI,
CHENNAI – 600 002.
- 2 THE INSPECTOR OF POLICE
R-10, MGR NAGAR POLICE STATION,
CHENNAI.



WEB COPY



W.P.No.42196 of 2025

M.DHANDAPANI,J.
pri

W.P.No.42196 of 2025
And
W.M.P.No.47246 of 2025

12.11.2025