



WEB COPY



W.P.No.40253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.40253 of 2025

Santhosh

... Petitioner

Vs.

1.The Regional Passport Officer,
I Floor,
Corporation Commercial Complex,
Avinashi Road,
Coimbatore-641 018.

2.The Inspector of Police,
Ambilikkal Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 22.10.2025 in File No.CB 1075450515625 on the file of the first respondent herein, quash the same and consequently direct the first respondent herein to re-issue Passport to the petitioner for a period of 10 years within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondent-1 : Mr.V.Chandrasekarn, SPC-UoI

For Respondent-2 : Mr.S.Balaji, GA (Crl. Side)



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ORDER

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The impugned order of the first respondent herein in File No.CB 1075450515625 dated 22.10.2025, is put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the first respondent to re-issue the passport to the petitioner by renewing it for a period of 10 years, within a time frame as fixed by this Court.

2. Heard the learned counsels on either side. With the consent of both sides, this Writ Petition is taken up for hearing at the admission stage itself.

3. The learned counsel for the petitioner would submit that the petitioner made an application for renewal of his passport and the same was rejected by the first respondent herein on the ground of pendency of criminal case as per Section 6(2)(f) of the Passport Act, 1967 through the impugned order dated 22.10.2025. He contended that the issue involved in the present petition is no longer *res integra* and the same has already been decided by the Hon'ble Division Bench of this Court in ***W.A.No.902 of 2023 [The Regional Passport Officer, Shastri Bhavan, Haddows Road, Chennai-600 006 Vs. Samsudden Mohamed Salih and another]***, dated 02.06.2023,



wherein it has held that mere pendency of criminal case will not be a bar for consideration of his/her application for renewal of passport and thus, prayed this Court to grant the relief sought for by the petitioner in the present Writ Petition.

4. The learned Standing counsel for the first respondent fairly submitted that the issue is squarely covered by the decision made by this Court in W.A.No.902 of 2023 dated 02.06.2025. The relevant paragraphs of the judgment is extracted hereunder for ready reference:

“4. We would be guided by the judgment of the Apex Court in Criminal Appeal No.1342 of 2017 (Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation) dated 27.9.2021. The said case also relates to renewal of the passport. In the present case also, application of the first respondent is for renewal of the passport.

*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.



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*8. Accordingly, the writ appeal is disposed of.
There will be no order as to costs. Consequently,
C.M.P.No.9011 of 2023 is closed.”*

5. Considering the submissions made by the learned counsel on either sides and also, in the light of the decision of the Hon'ble Division Bench as stated supra, this Court directs the first respondent herein to process the renewal/re-issue application of the petitioner, within a period of two weeks from the date of receipt of a copy of this order, without insisting for permission of the Court, where a criminal case is pending against the petitioner. If the petitioner is travelling abroad, then he would be required to seek permission from the Court where the criminal case is pending.

6. With the above directions, this Writ Petition stands disposed of.
There shall be no orders as to costs.

25.10.2025

Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

DP



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M.DHANDAPANI.J.

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