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WP No. 44012 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 44012 of 2025
and WMP NO. 49127 OF 2025**

M.Udayakumar

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,
Reheja 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, call for the records of the second respondent in letter reference No. CNO/10495778814/25 dated 14.07.2025 quash the same and consequently to direct the respondents to issue passport by renewing the old one.

For Petitioner(s): Mr.M.L. Ramesh
For Respondent: Mr.R.Sivamoorthy, CGSC

ORDER

This petition has been filed seeking to quash the impugned order passed by the second respondent in letter dated 14.07.2025 and consequently, to direct the respondents to issue passport by renewing the old one.



2. It is the case of the petitioner that the petitioner made application for renewal of passport on 02.12.2024 and the same was rejected on the ground that a criminal case is pending against the petitioner. The concerned police has filed charge sheet in CC.No.1909 of 2023 on the file of the learned IX Metropolitan Magistrate, Saidapet. Therefore, the petitioner's application is kept pending without any progress and no final report has been passed so far. Hence, the petitioner has filed the present writ petition challenging the said impugned show cause notice dated 14.07.2025.

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 Government Counsel for the respondents have not raised any objection for the submission 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 is kept pending without any progress. 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;



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"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 show cause notice issued by the second respondent is set aside;

(ii) The second 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) Upon receipt of the passport, the petitioner is directed to surrender the passport to the Court, where the case is pending; and If the petitioner wants to travel abroad, he has to get necessary permission from the Court where the criminal case is pending against him."

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

17-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.Union Of India

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2.The Regional Passport Officer

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