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W.P.No.42637 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42637 of 2025
W.M.P.No.47690 of 2025

P.Pandi Lakshmi

... Petitioner

Vs

1.The Passport Officer,
Regional Passport Office,
Chennai,
Chennai Royala Towers No.2 and 3
IV Floor, old no.785, New no.158,
Anna Salai,
Chennai-600 002.

2.The Assistant Commissioner of Police,
Chennai South Commissionerate,
Chennai.

3.The State rep.by
Sub-Inspector of Police,
Valasaravakkam Police Station,
Chennai-600 087.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, call for the entire records relating to the order issued by the 1st Respondent in File No.MA107554402725 dated 27.10.2025 and quash the same and consequently direct the first respondent to reissue the passport within a time frame fixed by this honourable Court.



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For Petitioner : Mr.V.Dhanasekaran
For Respondents : Mr.Kasi,
Central Government Counsel for R-1
: Mr.S.Balaji,
Government Advocate for RR-2 & 3
ORDER

This Writ Petition has been filed challenging the rejection order dated 27.10.2025 passed by the 1st respondent seeking a consequential direction to the 1st respondent for re-issuance of passport to the petitioner within the time that may be stipulated by this Court.

2. Mr.Kasi, learned Central Government Counsel takes notice on behalf of the 1st respondent. Mr.S.Balaji, learned Government Advocate (Crl.Side) takes notice on behalf of respondents 2 & 3.

3. It is the case of the petitioner that while her application for renewal of passport was under consideration, the impugned show cause notice dated 27.10.2025 came to be issued by the 1st respondent calling upon the petitioner to submit an explanation with reference to the adverse police verification report which refers to the Criminal case pending against the petitioner in C.C.No.58 of 2023 for the offences under Section 294 (b), 324, 506(2) of IPC on the file of the Judicial Magistrate Court, Poonamallee. Challenging the said show cause notice, the petitioner has come up with the present Writ Petition.



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4. Learned counsel appearing for the petitioner submitted that the issue involved in the present Writ Petition is no longer *res integra* as the similar issue has already been decided by the Division Bench of this Court in W.A.No.902 of 2023 dated 02.06.2023 wherein, it is held that, mere pendency of the criminal case is not a bar for renewal of passport. If the person wants to travel abroad, he has to get necessary permission from the court where the criminal case is pending.

5. Learned Central Government Counsel appearing for the 1st respondent has no objections to the contentions raised by the learned counsel for the petitioner.

6. On the above contentions, this Court heard the learned Government Advocate (Crl.Side) appearing for respondents 1 & 2 and perused the materials available on record.

7. Having regard to the submission made by the learned counsel appearing for the petitioner as the similar issue has already been decided by the Division Bench of this Court in W.P.No.902 of 2023 dated 02.06.2023, for better appreciation, the relevant paragraphs are extracted hereunder:-



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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 on 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”

(iii) If the petitioner wants to travel abroad, he has to get necessary permission from the Court where the criminal case is pending



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8. Since the present writ petition is squarely covered by the aforesaid judgement, this Court passes the following order:-

(i) the impugned show cause notice dated 27.10.2025 issued by the first respondent is hereby set aside;

(ii) the 1st 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 (4) weeks from the date of receipt of a copy of this order,

(iii) The petitioner shall get necessary permission from the court, where the criminal case is pending against him, in the event, he wishes to travel abroad.

9. With the above observations and directions, the Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



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To

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This petition has been listed under the caption “For being Mentioned”.

2. When the matter is taken up for hearing, it is brought to the notice of this Court, that a typographical error has crept in the order dated 11.11.2025 in the cause title, wherein, the petitioner’s initial has been wrongly mentioned as ‘P.Pandi Lakshmi’ instead of ‘R.Pandi Lakshmi’ and therefore, it is prayed that necessary corrections may be made in the said portion of the order.

3. This Court perused the case bundle and finds that the petitioner’s initial has been wrongly typed due to inadvertence. In such view of the matter, the initial of the petitioner shall stand corrected as ‘R.Pandi Lakshmi’ in the order dated 11.11.2025.

4. Registry is directed to carry out the aforesaid corrections and issue fresh order copy to the parties.

10.12.2025

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Note to Office : Issue order copy on 10.12.2025



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