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W.P.No.42910 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42910 of 2025

And

W.M.P.No.47985 of 2025

Marzook Ahamed Nasser

... Petitioner

Vs.

1 THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
NEW MUNICIPAL COMPLEX,
THILLAINAGAR 7TH CROSS,
TIRUCHIRAPPALLI – 620 018.

2 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION
TIRUVARUR DISTRICT.

... 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.OBJ/1049932766/25 dated 25.08.2025 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 vide Application reference No. (ARN) 25-1054060373 dated 16.06.2025 by considering



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the petitioner's representation dated 08.09.2025 within time frame stipulated by this Hon'ble Court.

For Petitioner : Mr.I.Abdul Basith
For Respondents : Mr.G.Subramanian for R1
Central Government Counsel
Mr.S.Balaji for R2
Government Advocate (Crl. Side)

ORDER

Mr.G.Subramanian, learned Central Government 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 impugned communication in Letter Ref.No.OBJ/1049932766/25 dated 25.08.2025 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 vide Application reference No. (ARN) 25-1054060373 dated 16.06.2025 by considering the



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petitioner's representation dated 08.09.2025 within time frame stipulated by this Court.

3.The learned counsel appearing for the petitioner submitted that the petitioner was issued with passport on 29.12.2015 by the respondent and the same is about to expire on 28.12.2025 and hence the petitioner made application dated 16.06.2025 for re-issuance of passport, whileso, the petitioner received the impugned communication directing the petitioner to furnish proof of clearance of the 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 Central Government Counsel appearing for the first respondent submitted that on Police verification, it was found that a criminal case is pending against the petitioner and hence the first respondent issued the impugned communication and further submitted that it is only a communication directing the petitioner to



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furnish proof of clearance of the criminal case.

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



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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."*

6.Following the decision cited supra, this Court is inclined to set aside the impugned communication. Accordingly, the communication in Letter Ref.No.OBJ/1049932766/25 dated 25.08.2025 of the first respondent is set aside. The first respondent is directed to process



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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 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

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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