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WP No. 42793 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 42793 of 2025
and WMP NO. 47849 OF 2025**

M.Anantharasu

Petitioner(s)

Vs

1. The Regional Passport Officer
Regional Passport Office,
Tiruchirapalli,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirapalli- 620 018.

2. The Inspector Of Police,
Keelapalur Police Station,
Ariyalur District.

Respondent(s)

PRAYER; This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the record of the 1st respondent pertaining to the impugned passport renewed / reissued in PASSPORT NO.AG526852 for one year (09-09-2025 to 08-09-09-2026) in passport Renewal /Reissue Application Number -TR1077180177524 dated



04.12.2024 and quash the same as illegal and consequently direct the 1st respondent to reissue / renew the passport of the petitioner in passport Application Number -TR1077180177524 dated 04.12.2024 for a period of 10 years under Section 10 of passports Act, 1967 and under Rule 12 of Passport Rules, 1980 without reference to the FIR / Criminal Proceedings pending against the petitioner.

For Petitioner(s): Mrs.Usharamman
For Respondent: Mr.S.Sivakumar, CGSC R1
Mr.S.Balaji, GA (Crl. Side) R2

ORDER

This petition has been filed seeking to quash the impugned passport issued by the 1st respondent and consequently direct the 1st respondent to reissue / renew the passport of the petitioner in passport Application Number -TR1077180177524 dated 04.12.2024 for a period of 10 years under Section 10 of passports Act, 1967 and under Rule 12 of Passport Rules, 1980 without reference to the FIR / Criminal Proceedings pending against the petitioner.

2. It is the case of the petitioner that the petitioner made application for renewal/reissue of passport before the first respondent on 04.12.2024. Based on the false complaint, the second respondent registered a case against the petitioner in FIR No.522 dated 25.08.2021, for which, the first respondent has



rejected the petitioners application. Therefore, the petitioner has filed a writ petition before this Court and the same was allowed. Pursuant to which, the first respondent has issued passport to the petitioner on 25.05.2015 valid upto 24.05.2025. Challenging the same, the present writ petition has been filed.

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 counsel for the first respondent submitted that as per notification of Ministry of External Affairs dated 25.08.1993, the authorities have power to issue a passport for restricted period. Hence, the first respondent has rightly acted upon the issue based on the criminal case pending against the petitioner, which needs no interference.

5. The learned Government Advocate for the second respondent has not raised any objection.

6. Heard both sides and perused the materials available on record.



7. Considering the fact that the petitioner has made application for renewal of passport before the first respondent and the same was kept pending without any progress. In this background, the petitioner has filed a writ petition before this Court and the same was allowed. Pursuant to the same, the first respondent has issued passport to the petitioner for one year. The similar issue has been already decided by the Hon'ble First Bench of this Court in WA.902 of 2023 dated 02.06.2023.

8. This Court perused the judgment passed by this Court and the relevant paragraphs are extracted herein;

"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."

9. 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 passport issued by the first respondent is set aside;

(ii) The first respondent is directed to renew the passport and issue to the petitioner as per the Passport Act, 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 new passport, the petitioner is directed to surrender before the Court, where the criminal case is pending against him.



(iv) *If the petitioner wants to travel abroad, he has to get necessary permission from the Court where the criminal case is pending against him."*

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

12-11-2025

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
1.The Regional Passport Officer
Regional Passport Office,
Tiruchirapalli, New Municipal
Complex, Thillainagar 7th Cross,
Tiruchirapalli- 620 018.

2.The State
Rep., By The Inspector Of Police,
Keelapalur Police Station, Ariyalur
District.



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