



WEB COPY

WP No. 43752 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. 43752 of 2025

Sundar

Petitioner(s)

Vs

1. State Rep by Its,
Inspector of Police,
Valangaiman Police Station,
Thiruvarur District
(Cr No. 444 of 2019)

2.The Regional Passport Officer
Regional Passport Office,
Municipal Water Tank Building,
Thiruchirappalli 620008.

Respondent(s)

PRAYER This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of certiorarified Mandamus, Calling for records pertains to the impugned letter dated 30.07.2025 issued by the 2nd respondent in File No. TR1075003538125 has to be set-aside and consequently issue a direction directing the 2nd respondent to renew the passport belongs to the petitioner in Passport bearing No.H 9853053 which expired on 08.10.2020.

For Petitioner(s):	Mr.M.V. Dinakar
For Respondent:	Mr.S.V.D.Rajendra Prasad, CGC R1 Mr.S.Balaji GA (Crl. Side) R2

ORDER

This petition has been filed seeking to quash the impugned letter dated



30.07.2025 issued by the 2nd respondent and consequently issue a direction directing the 2nd respondent to renew the passport belongs to the petitioner in Passport bearing No.H 9853053 which expired on 08.10.2020.

2. It is the case of the petitioner that the petitioner made application for issuance of renewal of passport on 21.08.2020. On 18.10.2020 the second respondent issue a show cause notice asked the petitioner to report in person stating that the first respondent had received an adverse police verification report stating that *the applicant is involved in a case in Cr.No.444 of 2019 on the file of the first respondent*". The respondent police has filed charge sheet in CC.No.40 of 2025 on the file of the learned Judicial Magistrate, Valangaiman. Therefore, the petitioner's application was rejected vide order dated 30.07.2025. Hence, the petitioner has filed the present writ petition challenging the said impugned show cause notice dated 30.07.2025.

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 counsel for the Second respondent has not objected the submissions made by the learned counsel for the petitioner.

5. The learned Government Advocate for the first respondent submitted that there is no heinous offence against the petitioner.

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



7. 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.

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 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 the same before the Court, where the criminal case is pending; and

(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.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



Neutral Citation: Yes/No

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M.DHANDAPANI J.
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- To
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