



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 43951 of 2025
ANDWMP NO. 49053 OF 2025

Jamaldeen Vajeebdheen

Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep By its Secretary to Government,
Home Department, Fort St. George,
Chennai 600 009

2.The Inspector of Police
V. Kalathur Polcie Station,
Perambalur District

3.The Regional Passport Officer
The Regional Passport Office,
Thiruchirapalli,
New Municipal Complex,
Thillai Nagar, 7th Cross
Thiruchirapalli 620 018

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of certiorarified Mandamus, order of the 3rd Respondent in



Letter REf. No OBJ / 1051905029 / 25 dated 31.10.2025 quash the same and consequently direct the 3rd respondent to issue passport to the petitioner in accordance with law.

For Petitioner(s): Mr.T. Dharani
For Respondent: Mr.M.Rajendiran, AGP R1
Mr.S.Balaji, GA (Crl. Side) R2
Mr.D.Baskar R3

ORDER

This petition has been filed seeking to quash the impugned order of the 3rd Respondent in Letter REf. No OBJ / 1051905029 / 25 dated 31.10.2025 quash the same and consequently direct the 3rd respondent to issue passport to the petitioner in accordance with law.

2. It is the case of the petitioner that the petitioner made application for renewal of passport. On 31.10.2025 the third respondent issue a show cause notice stating that the third respondent had received an adverse police verification report stating that *the applicant is involved in a case in Cr.No.174 of 2023 on the file of the second respondent and charge sheet was filed till date"*

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 31.10.2025.

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

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

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



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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



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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 third respondent is set aside and the third respondent is directed to process the application of the petitioner without insisting the permission of the Court, as there is no criminal case pending against the petitioner before any Court.

(ii) If the petitioner wants to travel abroad, the petitioner would be required to seek permission from the Court where the case is pending or from this Court, if no case as yet has been filed, by filing



appropriate application.”

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

17-11-2025

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Home Department, Fort St. George,
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V. Kalathur Polcie Station, Perambalur
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