



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

WP No. 47225 of 2025

Arul Ponnuvel
S/o. Ponnuvel,
No.19A, Adhavapakkam Village,
Magaral Post, Uthiramerur,
Kanchipuram District,
Tamilnadu-631 603

..Petitioner(s)

Vs

1. The Regional Passport Office,
Chennai Royala Towers, No.2, And 3, Iv Floor,
Old No.785, New No.158 Anna Salai,
Chennai-600 002, Tamilnadu.
2. The Inspector Of Police,
B6-Magaral Police Station,
Kanchipuram District.
(Crime No.1113 Of 2009)

..Respondent(s)

PRAYER

Writ Petition is filed under Art.226 of Constitution of India seeking for issuance of Writ of Mandamus directing the Respondents to consider petitioner passport application and to issue passport based on the representation dated 09.10.2025 of the petitioner



For Petitioner(s):

Mr.Ilayaraja

For Respondent(s):

Mr.B.Ramarathnam,
Central Govt. Standing Counsel for R1Mr.L.Baskaran
Govt. Advocate (Crl. Side) for R2**Order**

This Writ Petition has been filed seeking a direction to the respondents to consider petitioner's passport application and to issue passport based on his representation dated 09.10.2025.

2. It is the contention of the petitioner that the petitioner applied for passport, however, the first respondent sent the impugned communication stating that adverse report is sent by the police with regard to the pending of criminal case in Crime No.1113 of 2009 for the offences under Sections 4(1-a) r/w 4(1-A) of TNP Act and directed the petitioner to produce the proof of clearance of the said case. According to the petitioner, as the case pending trial, he could not produce any clearance before the first respondent. Hence the present writ petition.

3. Heard both sides and perused the materials placed on record.



4. By consent of both parties, this writ is taken up for final disposal at the admission stage itself.

5. At the outset, it is relevant to note that mere pendency of the criminal case, is not a bar for processing the application for issuance of passport. This aspect has been clearly dealt with by a Division Bench of this Court in the case of *The Regional Passport Officer vs. Samsudeen Mohamed Salih and another* made in *W.A.No.902 of 2023* dated 02.06.2023. The relevant paragraphs of the judgment read as follows:-

" 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."

6. That apart, even when the conviction is recorded, issuance of passport can be refused only in the cases where the applicant is convicted during the period of five years immediately preceding the date of application for an



offence involving moral turpitude and sentenced for imprisonment of not less than two years.

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7. In the case of *Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation* made in *Criminal Appeal No.1342 of 2017* dated 27.09.2021, though the appellant therein was convicted to undergo one year of imprisonment, the Hon'ble Apex Court has held that the passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal. The relevant portion of the judgment reads as follows:-

"Admittedly, at present, the conviction of the appellant stands still the disposal of the criminal appeal. The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.

The passport authority is directed to renew the passport of the applicant without raising the objection relating to the pendency of the criminal appeal in this Court. Subject to the other conditions being fulfilled, the Interlocutory Application stands disposed of."

8. Considering the above judgments, I am of the view that mere pendency of the criminal case is not a bar for processing the application for issuance of passport.

9. Accordingly, the impugned letter dated 15.10.2025 is set aside and there shall be a direction to the 1st respondent to consider the application of the petitioner for issuance of his passport and issue the same if otherwise, the petitioner satisfies other conditions. Such exercise shall be completed within a



period of two months from the date of receipt of a copy of this Order. It is made clear that if the petitioner wants to travel abroad, he has to obtain necessary permission from the concerned trial Court.

10. Accordingly, this writ petition stands allowed. No costs.

08-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

1. The Regional Passport Office,
Chennai Royala Towers, No.2, And 3, IV Floor, Old No.785, New No.158
Anna Salai, Chennai-600 002, Tamilnadu.
2. The Inspector Of Police
B6-Magaral Police Station,
Kanchipuram District.
3. The Public Prosecutor, High Court, Madras.



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N.SATHISH KUMAR J.

RPP

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