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WP No. 44995 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 44995 of 2025

Periyasamy Chinnappa
S/o.Chinnappa,
No. 38/39, South Street,
Periyanaalal,
Ariyalur District - 621 704

Petitioner(s)

Vs

1. The Ministry of External Affairs,
South Block, New Delhi - 110 011
- 2.The Regional Passport Officer
Regional Passport Officer,
Thiruchirapalli, Municipal Complex,
Thillainagar 7th Cross,
Thiruchirapalli District - 620 018.
- 3.The Inspector of Police
Kairlabath Police Station,
Ariyalur District.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, declaring the inaction on the part of the 1st and 2nd respondents in refusing to renewal of the petitioner's passport bearing No. N5737969 is illegal and arbitrary and consequently direct the 1st and 2nd respondents to renewal of the above mentioned passport to the petitioner.

For Petitioner(s): Mr.G.Ranganathan



For Respondent(s): Mr.G.Subramanian,
for R1 and R2
Mr.S.Balaji,
Government Advocate (Crl. Side)
for R3

ORDER

This writ petition has been filed seeking for a direction to the respondents 1 and 2 to renew of the passport of the petitioner bearing No. N5737969.

2. It is the case of the petitioner that the petitioner made application for renewal of passport on 12.08.2025. On 08.09.2025 the second respondent issued a show cause notice stating that the second respondent had received an adverse police verification report stating that the applicant is involved in two cases in Crime Nos.442/2021 and 84/2023 for the alleged offence under Section 379 IPC and Section 21(1) and 21(2) of Mines & Minerals (Development & Regulation) Act, 1957 pending before the third respondent police. 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 to issue a direction to the respondents 1 and 2 to renew the petitioner's passport within a time frame fixed by this Court.

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 respondents 1 and 2 has not objected the submissions made by the learned counsel for the petitioner.

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

6. Considering the fact that the petitioner has made application for renewal 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.

7. 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*



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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."

8. In the present case, it is the specific case of the petitioner that two FIR's have been registered against the petitioner and it has not resulted in the Court taking cognizance of the offence. In such view of the matter, complying the ratio laid down by the Hon'ble First Bench of this Court in W.A.No.902 of 2023, this Court passes the following order:

"(i) The second 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 and a decision shall be taken as above, within a period of four weeks from the date of receipt of a copy of this order.

(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."

9. With the above observations and directions, the writ petition is allowed.

No costs.

20-11-2025

Tsg

Index: Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

WEB COPY

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To

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South Block, New Delhi - 110 011

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