



WEB COPY

WP No. 45529 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 45529 of 2025

Mohamed Aadhif.S

Petitioner(s)

Vs

1. The Regional Passport Officer.
Regional Passport Office,
Royala Towers, No.2 and 3, IV Floor,
Old No. 785, New No.158,
Anna Salai, Chennai - 600002.

2.State Rep. By
Inspector Of Police, H 1 Police Station,
Old Washermenpet, Chennai - 21.
Crime No. 108/2025.

Respondent(s)

PRAYER:- Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of mandamus, directing the 1st respondent to consider the application dated 27.10.2025 to issue the passport to the petitioner based on the settled position of law within stipulated time.



For Petitioner(s): Mr.R.Vinoth

For Respondent: Mr.S.Balaji
Government Advocate (Crl. Side) for R2

Mr.G.Subramanian
Central Government Counsel for R1

ORDER

This writ petition has been filed seeking issuance of writ of mandamus, directing the 1st respondent to consider the application dated 27.10.2025 to issue passport to the petitioner.

2. It is the case of the petitioner that the petitioner made an application for issuance of passport on 27.10.2025 and the first respondent issued a show cause notice stating that *the applicant is involved in a case Crime No.108 of 2025 on the file of the 2nd respondent for the offence under Section 296(b), 115(2), 118(1), 351(3) of BNSS Act* seeking explanation. Hence, the petitioner has filed the present writ petition with the above said prayer.



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 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.

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,

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*n 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*

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*n the case of **Vangala Kasturi Rangacharyulu**, supra and directed the respondent there*

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n 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 crim

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ng, 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
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ng, then unless the Magistrate or the Sessions Court
where the
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ng permits the first respondent to travel abroad, he
cannot travel abroad.

7. In the light of the above, we pass the
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ng order:

(i) The writ appellant shall process the application of the first respon
first respondent. If the first respondent is
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ng abroad, then the first respondent would be required to
seek permission from the Court where the
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nal case is



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ng.

(ii) Decision shall be taken as above,
with
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n 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 first respondent is set aside and the first respondent is directed to process the application of the petitioner without insisting the permission of the Court within a period of six weeks, as there is no criminal case pending against the petitioner before any Court.

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



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21-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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M.DHANDAPANI J.

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