



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 45561 of 2025

Jegan Moorthy
S/o.Munusamy, No.905, Gangaiyamman
Koil Street, Andarsonpet, Nemam,
Tiruvallur,
Tamil Nadu - 600 124.

Petitioner(s)

Vs

1. The Government of India
Ministry of External Affairs,
Rep by The Regional Passport Officer,
Regional Passport Office, Royal Tower
Nos.2 and 3, IV Floor, Old No. 785
New No.158, Anna Salai, Chennai,
Tamil Nadu 600 002.

2.The Regional Passport Officer
Regional Passport Office, No.1
Bhanumathi Ramakrishna Road,
Saligramam, Chennai 600 093.

3.The Inspector Of Police
B-7 Vellavedu Police Station,
Ponnamallee, Tiruvallur – 600 124.

4.The Inspector Of Police
D-2 Thiruvalangadu Police Station,
Tiruvallur – 631 210.

Respondent(s)

**PRAYER**

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to re-issue a Regular Passport with full validity of ten (10) years in favour of the petitioner in accordance with the provisions of the Passport Act, 1967 and Notification G.S.R. 570(E) dated 25.08.1993.

For Petitioner(s): Mr.G.Mohana Krishnan

For Respondent(s): Mr.D.Baskar,
for R1 & R2
Mr.E.Raj Thilak,
Additional Government Pleader
Asst. by Mr.S.Balaji,
Government Advocate (Crl. Side)
for R3 & R4

ORDER

This petition has been filed seeking for a direction to the respondents to re-issue a Regular Passport with full validity of ten (10) years in favour of the petitioner in accordance with the provisions of the Passport Act, 1967 and Notification G.S.R. 570(E) dated 25.08.1993.

2. It is the case of the petitioner that the petitioner is a sitting Member of the Legislative Assembly (MLA) representing K.V.Kuppam Constituency, Vellore District and is also the President of the political party “Puratchi Bharatham”. The petitioner obtained a valid passport in the year 2006 and the same was valid up to 2016. Thereafter, the same was renewed. However, renewal of the passport is going to expire in December 2025. Thereby, the petitioner made an application for renewal of passport vide application dated 04.11.2025 to the respondents 1 and 2. However, the same has not been considered by the respondents 1 and 2 till date. Hence, the present Writ Petition.



3. The learned counsel for the respondents 3 and 4 would submit that against the petitioner there are five criminal cases pending before the 3rd and 4th respondent police and hence, vehemently, opposed for renewal of the passport of the petitioner.

4. In reply, 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.

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

6. 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.

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.)*



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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."

8. In the present case, it is the specific case of the petitioner that only FIR has been registered against the petitioner and it has not resulted in the Court taking cognizance of the offense. 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:



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"(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.

25-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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M.DHANDAPANI J.
Tsg

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