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W.P.No.47408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.47408 of 2025

Abdul Rasheed Kaleefathullah

... Petitioner

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 – 600 002.

2.State represented by the Inspector of Police,
Adiramapattinam Police Station,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to issue the passport to the petitioner after considering his online application vide File ARN No.25-1054516739 dated 18.06.2025 within a time frame fixed by this Court.

For Petitioner : Mr.A.Rajamohamed

For R1 : Mr.N.Manikandan
Central Government Standing Counsel

For R2 : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

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The petitioner seeks a direction to the 1st respondent for issuance of passport to the petitioner after considering his online application vide File ARN No.25-1054516739 dated 18.06.2025 within a time frame fixed by this Court.

2.It is the contention of the petitioner that the petitioner's earlier passport bearing No.G4696223 expired on 29.08.2017 and he applied for re-issuance of his passport in the year 2017, however, the same was not processed for the reasons not known to the petitioner. Thereafter, when the petitioner applied for re-issuance of passport vide application in File ARN No.25-1054516739 dated 18.06.2025, the 1st respondent issued a show cause notice dated 11.07.2025 alleging that the petitioner is involved in a criminal case in Crime No.115 of 2017 for the offences under Sections 14 5(1) of Foreigners Act, Sections 120-B, 420 IPC on the file of the 2nd respondent Police. Though the petitioner submitted his explanation dated 14.08.2025, stating that he has been falsely implicated in the said case, the passport application of the petitioner has not yet been processed. Hence, the writ.



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3. Heard the learned counsel for the petitioner, Mr.N.Manikandan, learned Central Government Standing Counsel, who takes notice for the 1st respondent, and Mr.L.Baskaran, learned Government Advocate (Crl. Side), who takes notice for the 2nd respondent Police.

4. By consent of both sides, the matter is taken up for final disposal at the admission stage itself.

5. At the outset, it is relevant to note that, mere pendency of criminal case(s), is not a bar for processing the application for issuance of passport. This aspect has been clearly held by the First Bench of this Court in the case of ***The Regional Passport Officer vs. Samsudeen Mohamed Salih and another*** [***W.A.No.902 of 2023, dated 02.06.2023***]. The relevant paragraph of the judgment reads 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.



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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, it is clear that, even when conviction is recorded, refusal of passport can be only in the case of the appellant being convicted during the period of five years immediately proceeding the date of application for an offence involving moral turpitude and sentenced to imprisonment for not less than two years.

7.In *Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation [Criminal Appeal No.1342 of 2017 dated 27.09.2021,* wherein, 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 passport on the ground of pendency of 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



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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 criminal case(s) is not a bar for processing the passport application. In such view of the matter, there shall be a direction to the 1st respondent to consider the petitioner’s application for issuance of passport, dated 18.06.2025, and issue passport to the petitioner, 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. However, it is made clear that, if the petitioner proposes to travel abroad, he has to necessarily seek permission from the jurisdictional Magistrate Court(s) wherever criminal case(s) is/are pending against him.

9.With these directions, this writ petition is disposed of. No costs.

09.12.2025

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Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes

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N. SATHISH KUMAR, J.

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