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WP No. 46620 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 46620 of 2025

A.X.Ninoy Joseph

Petitioner(s)

Vs

1. The Regional Passport Officer, Coimbatore,
First Floor Corporation Commercial Complex,
Opp. Thandumariamman Kovil Avinashi Road,
Coimbatore Tamil Nadu

2.The Inspector Of Police
G2/ T4 Pudmand Police Station,
Udhagamandalam

Respondent(s)

PRAYER

This writ petition filed under Article 226 of the Constitution of India for issuance of the writ of mandamus directing the respondents to consider the petitioner's representation dated 7.11.2025 and consequently direct the 1st respondent to issue passport in the pending application reference bearing number MO241322 dated 01.07.2025 for the normal period of ten years as per



Rule 12(1) of the Passport Rules 1980 within a time frame fixed by this Hon'ble court.

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For Petitioner(s): Mr. Adithya Varadarajan

For Respondent: Mrs. R.Durgarani,
CGSC, for R1

Mr. R.Vinothraja,
G.A., for R2

ORDER

The petitioner seeks a direction to the respondents to consider the representation of the petitioner dated 07.11.2025 and consequently issue a fresh/ renewal of passport to the petitioner.

2. It is the contention of the petitioner that on 01.07.2025, he has applied for renewal of his passport bearing No.MO241322. Subsequently, the petitioner came to know that his application is kept pending on account of the criminal case registered against him for the offences under Sections 294(b), 353 and 506(ii) of IPC, pending on the file of the Judicial Magistrate, Udthagamandalam



in C.C.No. 81 of 2023. Thereafter, on 07.11.2025, the petitioner submitted a representation, pursuant to which the first respondent, by communication 14.11.2025, sought an explanation regarding the said pending criminal case. Even after the petitioner submitted all the required documents, and furnished the explanation sought for, no order has been passed on the representation submitted by the petitioner. Hence, the petitioner is before this Court.

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 renewal of passport.



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9. Accordingly, there shall be a direction to the respondents to consider the application of the petitioner, pending with the respondents for renewal of his passport and issue the passport 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 disposed of. No costs.

03-12-2025

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



mrp
To

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Opp. Thandumariamman Kovil Avinashi Road,
Coimbatore Tamil Nadu

2.The Inspector Of Police
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