



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 47955 of 2025

S.Nowsathali

Petitioner(s)

Vs

1. The Regional Passport Officer,
The Regional Passport Office,
Post Office Passport Seva Kendra,
Postal Staff Quarters, Attur Main Road,
Peramablur 621212.

2.The Superintendent of Police,
Kai Kalathur Police Station,
Perambalur.

3.The Inspector f Police,
Kai Kalathur Police Station,
Perambalur.

4.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi.

Respondent(s)

PRAYER

The writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st Respondent to consider petitioner's application number TR-5067282605925 dated 07/01/2025 within a time framed manner.

For Petitioner(s): Mr. G.Ramakrishnan



For Respondent: Mr. A.Zakir Hussain,
CGSC,
for R1

Mr.L.Baskaran,
Gov. Adv.(crl.side)
for R2 to R4

ORDER

The petitioner seeks a direction to the first respondent to consider the petitioner's application dated 07.01.2025 and consequently issue a fresh passport to the petitioner.

2. It is the contention of the petitioner that on 07.01.2025, he has applied for issuance of a passport through online. Thereafter, the first respondent, by communication dated 12.10.2025, informing that his application was sent for police verification. According to the petitioner, he has been wrongly implicated in the theft case registered in Crime No.337 of 2022 for the offence under Section 379 of IPC. Since no order has been passed on the application submitted by him, 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.

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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.

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.



9. Accordingly, there shall be a direction to the respondents to consider the application of the petitioner, pending with the respondents for issuance of 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 Jurisdictional Magistrate.

10. Accordingly, this writ petition stands disposed of. No costs.

10-12-2025

Speaking/Non-speaking order
Neutral Citation: Yes

mrp

To

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Office Passport Seva Kendra, Postal
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2. The Superintendent of Police,
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