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WP No. 48808 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 48808 of 2025

Sethupathi

Petitioner(s)

Vs

The Government Of India
Regional Pass Port Office, Coimbatore,
First Floor, Corporation Commercial
Complex, Opp Thandumariamman Koil
Avinansi Road, Coimbatore 641 018

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to issue passport to the petitioner and No objection certificate (NOC) in accordance with law.

For Respondent: Mr.P.Ganapathy

For Respondent: Mr.A.Poorna Chandran
Central Government Counsel

ORDER

The petitioner seeks a direction to the respondent to issue passport to the petitioner and No objection certificate (NOC) in accordance with law.



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2.It is the case of the petitioner that he applied for issuance of passport on 27.10.2025. However, the respondent refused to issue passport as well as No Objection Certificate for travelling abroad for working in a Shipping Company, on the ground that a criminal case is pending against the petitioner in C.C.No.385 of 2025 before the Judicial Magistrate Court No.1, Attur, for the offences under Sections 447 and 427 IPC. It is his contention that the criminal proceedings has been stayed by this Court in Crl.O.P.No.32489 of 2025, by order dated 28.11.2025. Therefore, the petitioner has come forward with the present writ petition for issuance of passport.

3.Heard the learned counsel for the petitioner and Mr.A.Poorna Chandran, learned Central Government Counsel, who takes notice for the respondent.

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:-

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“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, 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 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 respondent to consider the petitioner's application for issuance of passport, dated 27.10.2025 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 Judicial Magistrate Court No.1, Attur, where criminal case is pending against him.

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



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Regional Pass Port Office,
Government Of India
Coimbatore, First Floor, Corporation
Commercial Complex, Opp
Thandumariamman Koil Avinansi
Road, Coimbatore 641 018



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