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WP.No.49614 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.49614 of 2025

Mohamed Asan Shahul Hameed

.. Petitioner

Versus

1. Union of India

Rep. By its Secretary
Ministry of External Affairs
New Delhi – 110 011

2. The Attache (Consular _Passport Section)

Embassy of India
Villa No.86 & 90, Street No.941, A1 Eithra Street
Zone 63, Onaiza, P.O.Box 2788
Doha, Qatar

3. The Regional Passport Officer

Regional Passport Office
New Municipal Complex
Thillainagar 7th Cross
Tiruchirappalli

4. The Inspector of Police

Muthupettai Police Station
Tiruvarur

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to re-issue passport to the petitioner by considering the passport application in ARN No.25-2003573310 dated 15.07.2025 and



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representation dated 18.11.2025 of the petitioner within a time frame fixed by this Court.

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For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.R.Sugumar for R1 and R3

Mr.L.Baskaran
Government Advocate for R4

ORDER

The petitioner seeks a direction to the third respondent to re-issue passport to the petitioner based on his application dated 15.07.2025 by considering his representation dated 18.11.2025.

2. It is the contention of the petitioner that the petitioner applied for renewal of his passport on 15.07.2025, but the same was not processed due to the pendency of the criminal case in S.T.C.No.422 of 2024 pending on the file of Judicial Magistrate, Thiruthuraipoondi. The petitioner submits that the petitioner filed CrI.O.P.No.27517 of 2025 before this Court seeking to quash the charge sheet and this Court vide order dated 08.10.2025 quashed the entire proceedings. Hence, the petitioner sent a representation dated 18.11.2025 to Respondents 2 and 3 enclosing the order passed by this Court, but till date the application of the petitioner was not considered. Hence, the petitioner has come forward with this petition.



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3. Heard both sides and perused the materials placed on record.

4. By consent of both parties, this writ petition 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."



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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."



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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. At this juncture, learned Central Government counsel submitted the application of the petitioner has already been rejected and hence, the petitioner may be directed to give a fresh application.

10. Accordingly, there shall be a direction to the petitioner to give a fresh application for renewal passport within a period of one week from the date of receipt of a copy of this order and the third respondent shall consider the application of the petitioner for renewal of passport and issue the passport if otherwise, the petitioner satisfies other conditions within a period of two months thereafter.

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

19.12.2025

Index :Yes/No
Neutral Citation : Yes/No
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N. SATHISH KUMAR, J.

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To

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