



WP.No.49574 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2025

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.49574 of 2025

S.Muthuraja

.. Petitioner

Versus

1. The Regional Passport Officer
O/o.Regional Passport Office
Municipal Water Tank Building
W.B.Road
Trichirappalli

2. The Inspector of Police
Thittagudi Police Station
Cuddalore District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to reissue passport on the basis of the petitioner's application in Application No.TR2073569172321 dated 13.09.2021 within a stipulated time frame.

For Petitioner : Mr.K.Vijayalakshmi

For Respondents : Mr.K.Subbu Ranga Bharathi
Central Government Counsel for R1

Mr.L.Baskaran
Government Advocate for R2



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ORDER

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The petitioner seeks a direction to the respondents to consider his application for re-issue/renewal of passport dated 13.09.2021 and consequently issue a passport to the petitioner.

2. It is the contention of the petitioner that the petitioner applied for renewal of his passport on 13.09.2021 and he has received a communication from the first respondent dated 20.09.2021 stating that there was an objection from the second respondent due to the pendency of the criminal case in Crime No.1293 of 2020. Though the petitioner has given his explanation, the first respondent has neither issued the passport nor communicated any further decision. Aggrieved over the same, 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 petition 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



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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.



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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 first 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. It is made clear that if the petitioner wants to travel abroad, he has to obtain necessary permission from the concerned Jurisdictional Magistrate.

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

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

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To

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O/o.Regional Passport Office
Municipal Water Tank Building
W.B.Road
Trichirappalli – 620 008

2. The Inspector of Police
Thittagudi Police Station
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