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W.P.No.48546 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.48546 of 2025

Kumara Ravikumar

... Petitioner

Vs.

1.The Regional Passport Officer,
25, AGT Business Park,
Avinashi Road, Civil Aerodrome Post,
Coimbatore – 641 014.

2.The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam, Erode – 638 401.

3.The Inspector of Police,
Thalavadi Police Station,
Erode District – 638 461.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to issue a passport to the petitioner pursuant to the petitioner's application in File No.CB1066580676724 dated 24.05.2024 within a stipulated time frame.

For Petitioner : Mr.Srujithjrishna G.

For R1 : Ms.Shalini
Central Govt. Standing Counsel



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For R2 and R3 : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner seeks a direction to the 1st respondent to issue a passport to the petitioner pursuant to the petitioner's application in File No.CB1066580676724 dated 24.05.2024 within a stipulated time frame.

2.It is the contention of the petitioner that the petitioner, being a social activist, applied for passport initially in the year 2019, but his application was rejected on the sole ground of pendency of cases. The petitioner approached this Court and this Court, in W.P.No.35437 of 2019, granted liberty to the petitioner to submit a fresh application. Accordingly, the petitioner submitted a fresh application for issuance of passport in File No.CB1066580676724 dated 24.05.2024. However, the 1st respondent insists for a No-Objection Certificate from all the Courts and they have issued a show cause notice in this regard dated 18.03.2025. Hence, the petitioner has come forward with this writ petition seeking a direction to the 1st respondent to issue passport to the petitioner.



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3. Heard the learned counsel for the petitioner, Ms. Shalini, learned Central Government Standing Counsel, who takes notice for the 1st respondent. Mr. L. Baskaran, learned Government Advocate (Crl. Side), who takes notice for the respondents 2 and 3, would submit that two cases are pending trial against the petitioner before the Judicial Magistrate Court, Sathyamangalam, in C.C.No.165 of 2015 and C.C.No.5 of 2024 and one before the Judicial Magistrate Court, Erode in C.C.No.462 of 2021. Apart from that, four FIRs are pending against the petitioner in various Police Stations.

4. By consent of both sides, the matter is taken up for final disposal in 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.

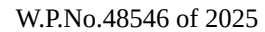
6.The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the 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

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appeal. The relevant portion of the judgment reads as follows:-

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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16.12.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes

To

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25, AGR Business Park,
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N. SATHISH KUMAR, J.

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