



W.P(MD)No.19255 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.19255 of 2025

R.Rajaguru

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Thiruchirapalli - 620018.

2.The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to allow the petitioner's application in Ref.No.TR1075005004825 dated 06.05.2025 seeking to renewal of the petitioner's passport No.N3036878 which is still pending before the first respondent.

For Petitioner

: Mr.P.Venkatesan

For R1

: Mr.P.Santhosh Kumar

Central Government Standing Counsel



WEB COPY



W.P(MD)/No.19255 of 2025

For R2

: Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

Mr.P.Santhosh Kumar, learned Central Government Standing Counsel takes notice for the first respondent and Mr.K.Sanjai Gandhi learned Government Advocate takes notice for the second respondent.

2. The petitioner, a holder of an Indian Passport was valid between 23.09.2015 and 22.09.2025 submitted an application for renewal of the passport on 06.05.2025. In response to the same, the petitioner was issued a notice dated 17.06.2025, wherein the petitioner was called for an enquiry in connection with an FIR registered against him in Crime No.398 of 2020 dated 29.06.2020 for the offences under Sections 147, 148, 294 (b), 323, 324 and 307 of the IPC.

3. The learned counsel for the petitioner submits that the petitioner also appeared on the dates specified in the aforesaid notice dated 17.06.2025. However, passport has not been renewed and will expire on 22.09.2025.



W.P(MD)/No.19255 of 2025

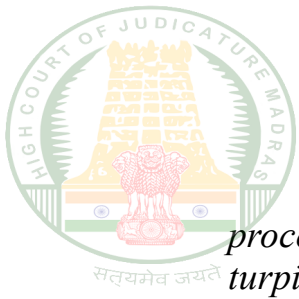
WEB COPY

4. The learned Government Advocate for the second respondent submits that the petitioner has been arrayed as Accused No.12 and a charge sheet has been filed before the Judicial Magistrate, Aranthangi in P.R.C.No.9 of 2022, pursuant to the FIR registered in Crime No.398 of 2020 dated 29.06.2020. It is further submitted that the case has now been transferred to Judicial Magistrate, Manamelkudi in P.R.C.No.26 of 2024.

5. Having considered the submissions made by the learned counsel for the petitioner, the learned Central Government Standing Counsel for the first respondent and the learned Government Advocate for the second respondent, I am inclined to direct the first respondent to renew the passport of the petitioner although there is an embargo under Section 6 (2) (f) of the Passports Act, 1967, in the light of the decision of the Division Bench of this Court in the case of ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another*** (W.A.No.902 of 2023, dated 02.06.2023)

6. Dealing with somewhat identical situation, the Hon'ble Supreme Court in the case of ***Vangala Kasturi Rangacharyulu Vs Central Bureau of Investigation reported in 2021 SCC Online SC 3549*** has held as under:

“7. The refusal of a passport can be only in case where an applicant is convicted during the period of 5 years immediately



W.P(MD)No.19255 of 2025

proceeding the date of application for an offence involving moral turpitude and sentence for imprisonment for not less than two years.

8. Section 6.2(f) relates to a situation where the applicant is facing trial in a criminal court.

9. 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.

10. 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.”

7. In view of the above, there shall be a direction to the first respondent to renew the passport before its expiry as early as possible. The petitioner shall surrender the passport before the Judicial Magistrate, Manamelkudi in P.R.C.NO.26 of 2024. In case the petitioner proposes to travel abroad, the petitioner file a suitable application before the aforesaid court for retrieving the same. If the petitioner fails to comply with the above condition, the first respondent is at liberty to cancel the passport.

8. The writ petition stands disposed of with the above liberty. There



W.P(MD)No.19255 of 2025

shall be no order as to costs.

WEB COPY

17.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

To

- 1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Thiruchirapalli - 620018.
- 2.The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.

C.SARAVANAN, J.



WEB COPY



W.P(MD)No.19255 of 2025

sn

W.P(MD).No.19255 of 2025

17.07.2025