



W.P.(MD) No.24334 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.24334 of 2025
and W.M.P(MD).No.19088 of 2025

D.Raju Devasagayam

... Petitioner

-VS-

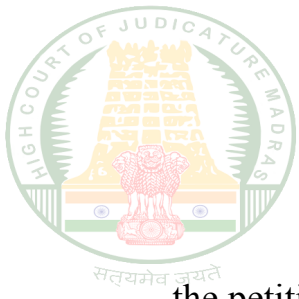
1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

2.The Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram District.
Crime No.95 of 2021

3.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Crime No.175 of 2024

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the order dated 29.07.2025 issued by the first respondent asking for explanation on



W.P.(MD) No.24334 of 2025

the petitioner's application for issue of passport and quash the same, consequently directing the first respondent to issue passport to the petitioner within the time stipulated by this Court.

For Petitioner : Ms.M.Manimegalai
For Respondents : Mr.G.Ramanathan (for R1)
Central Government Standing Counsel
Mr.S.Prakash (for R2 & R3)
Government Advocate (Crl.side)

ORDER

This writ petition has been filed challenging the impugned notice in Ref. No. SCN/1049707436/25 dated 29.07.2025 issued by the 1st respondent and seeking a consequential direction to the 1st respondent to renew the petitioner's passport by considering his application in File No. MDA075203251425.

2. Heard Ms.M.Manimegalai, learned counsel appearing for the petitioner and Mr.G.Ramanathan, learned Central Government Standing Counsel for the first respondent and Mr.S.Prakash, learned Government Advocate (criminal side), for the second respondent.



W.P.(MD) No.24334 of 2025

WEB COPY

3. It is the case of the petitioner that, after the expiry of his passport, he applied for its re-issuance. In respect of the said application (File No. MDA075203251425), the 1st respondent issued the impugned notice dated 29.07.2025, seeking clarification based on an adverse report submitted by the 2nd respondent, which allegedly implicated the petitioner in Crime Nos.95 of 2021, 175 of 2024, 194 of 2015 and 227 of 2014, out of which, two cases are yet to be taken on file and in the remaining two cases, the petitioner has been convicted vide order dated 08.02.2020.

4. The learned Government Advocate (Crl. Side) for the second respondent confirms that the petitioner has been arrayed as an accused in the above said case.

5. A 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)**, following a Division Bench judgment of the Bombay High Court, in the case of **Abbas Hatimbhai Kagalwala vs. State of Maharashtra and another**, reported in **2022 SCC OnLine Bom 1992**, held that the pendency of a criminal case will not be an impediment for the passport



W.P.(MD) No.24334 of 2025

WEB COPY

authorities to consider an application for renewal of passport. The Bench went on to hold that where a criminal case is pending against an applicant and he wishes to travel abroad, he shall do so after obtaining permission from the concerned Court where the criminal proceedings are pending. Further, in the instant case, insofar as the conviction cases are concerned, five years period have gone and therefore, the condition as contemplated under Section 6(2)(f) of the Passports Act does not arise. Accordingly, the writ petition is allowed and the impugned notice is quashed. The first respondent is directed to act upon the passport application submitted by the petitioner and re-issue the passport in the petitioner's name, within a period of three weeks from the date of receipt of a copy of this order, provided the petitioner satisfies all other statutory requirements. It is clarified that if the petitioner intends to travel abroad, he must obtain the necessary permission from the Court in which the criminal case is pending. No costs. Consequently, connected Miscellaneous Petition is closed.

22.09.2025

NCC : Yes/No
Index : Yes/No
Rmk



W.P.(MD) No.24334 of 2025

WEB COPY

To

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.
- 2.The Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram District.
Crime No.95 of 2021
- 3.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.



WEB COPY



W.P.(MD) No.24334 of 2025

P.T.ASHA, J.

Rmk

W.P.(MD) No.24334 of 2025

22.09.2025