

W.P(MD)No.24903 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P(MD)No.24903 of 2025

and

W.M.P(MD)No.19558 of 2025

Rajalingam

..Petitioner

Vs

1.The Regional Passport Officer,
O/o The Regional Passport Officer,Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Show Cause Notice issued by the 1st respondent vide Ref No.SCN/1049783579/25 dated 07.08.2025 quash the same and consequently direct the 1st respondent to permit the petitioner to retain and use Passport No.AD468802(file No.MD1075196035825) without any interference.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For R1 : M/s.B.Deepa
Central Government Standing Counsel



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For R2

: Mr.S.Prakash
Govt. Advocate (Crl.side)

ORDER

This writ petition has been filed for the following relief :

“to call for the records relating to the Show Cause Notice issued by the 1st respondent vide Ref No.SCN/1049783579/25 dated 07.08.2025 quash the same and consequently direct the 1st respondent to permit the petitioner to retain and use Passport No.AD468802(file No.MD1075196035825) without any interference.”

2.Heard Mr.D.Shanmugaraja Sethupathi, learned counsel for the petitioner and M/s.B.Deepa, learned Central Government Standing Counsel for the first respondent and Mr.S.Prakash, learned Government Advocate [Crl side] for the second respondent.

3. It is the case of the petitioner that, the petitioner was issued with Passport in Passport No.AD468802 which was issued on 18.06.2025 and the same is valid till 17.06.2035. Pursuant to his re-issuance application in File No.MD1075196035825, the 1st respondent issued the impugned notice dated 07.08.2025, seeking clarification based on an adverse report submitted by the 2nd respondent, which allegedly implicated the petitioner in Crime No.97 of



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2018 on the file of the 2nd respondent for offences under Sections 279, 304 (A)

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4. The learned Government Advocate (Crl. Side) for the 2nd respondent confirms that the said case has been taken on file and the same is pending trial against him before the District Munsif cum Judicial Magistrate Court, Thiruppuvanam in C.C.No.181 of 2024.

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 Maharastra 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 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. In view of the above, the impugned notice, dated 07.08.2025 is quashed. Consequently, the 1st respondent is directed to act upon the passport application submitted by the



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petitioner and re-issue the passport in the petitioner's name, within a period of three (3) weeks from the date of receipt of a copy of this order.

6. In case, the petitioner wishes to travel abroad, he shall obtain necessary permission from the concerned Court. Further, if he is required to be present before the Court for evidence or when the Court requires him to be present, he shall appear before Court.

7. With the above directions, this writ petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.09.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

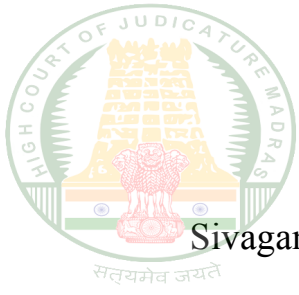
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To

1. The Regional Passport Officer,
O/o The Regional Passport Officer, Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2. The Inspector of Police,
Poovanthi Police Station,

4/5



Sivagangai District.

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P.T.ASHA, J.

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