



W.P(MD)No.25944 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2025

CORAM

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**Writ Petition(MD)No.25944 of 2025**

G.Chitravelu

..Petitioner

Vs

1. The Regional Passport Officer  
Government of India,  
Ministry of External Affairs,  
Regional Passport Office, Bharathi Ula Veethi, Race  
Course Road, Madurai 625 002,

2. The Inspector Of Police,  
Sivagangai Taluk, Police Station,  
Sivagangai,  
Sivagangai District

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent herein to issue the renewal passport to the petitioner in reference to the file No.MD1075505745925 submission dated 18.08.2025 and Letter Ref No.SCN/1049991566/25 dated 03rd September 2025 pending on the file of the 1st respondent by considering the petitioner representation dated 10.09.2025.



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For Petitioner : Mr.N.Mohamed Ayyadurai

For Respondents : Ms.T.Saroja  
Central Govt. Standing Counsel  
(for R1)  
Mr.S.Prakash  
Govt. Advocate (crl.side) (for R2)

### **ORDER**

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to renew the petitioner's passport in reference to File No. MD1075505745925 dated 18.08.2025 and Letter Ref. No. SCN/1049991566/25 dated 03.09.2025, by considering the petitioner's representation dated 10.09.2025, which is pending on the file of the first respondent.

2. Ms.T.Saroja, learned Central Government Standng Counsel, takes notice for the first respondent. Mr.S.Prakash, learned Government Advocate (criminal side) for the second respondent. By consent, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that, after the expiry of his passport, he applied for its re-issuance on 06.08.2025. In respect of the passport application File No. MD1075505745925 dated 18.08.2025, the first respondent issued a letter dated 03.09.2025 seeking clarification regarding

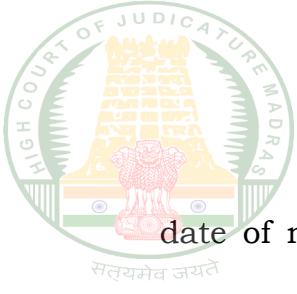


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an adverse report from the second respondent, which stated that the petitioner was involved in Crime No.288 of 2013 for offences under Sections 294(b), 506(2) IPC and U/s 4 of TNPHW Act. However, in this case, charged has not been filed. Therefore, the petitioner has filed the present writ petition.

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 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. Accordingly, 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



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date of receipt of a copy of this order, provided the petitioner satisfies all other statutory requirements.

6. This writ petition is allowed. No costs.

**22.09.2025**

NCC : Yes/No  
Index : Yes/No  
Internet:Yes  
skn

To

1. The Regional Passport Officer  
Government of India,  
Ministry of External Affairs,  
Regional Passport Office, Bharathi Ula Veethi, Race  
Course Road, Madurai 625 002,

2. The Inspector Of Police,  
Sivagangai Taluk, Police STation,  
Sivagangai,  
Sivagangai District



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**P.T.ASHA, J.**

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