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WP No. 2730 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 2730 of 2025

and

WMP.No.3070 of 2025

Rameshkannan
S/o.Nallasamy,
Residing at No.3/10,Poosaripatty Gate,
Possaripatty, Omalur Taluk,
Salem Rural,
Tamil Nadu-636 305.

..Petitioner

Vs

1. The Regional Passport Office,
Coimbatore First Floor,
Corporation Commercial Complex,
Opp.Thandumariamman Koil , Avinashi Road,
Coimbatore-641 018.
2. The State
Rep by The Inspector Of Police, District Crime
Branch, Police Station, Salem.

..Respondents

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order dated 27.11.2024 in vide application number is CB2074938240123 passed by the 1st respondent and quash the same as arbitrary against the principles of natural justice and consequently direct the 1st respondent issue renewal passport to the petitioner without insisting court order.



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For Petitioner:

Mr. K.Vasanthanayagan

For Respondents:

Mr.K.S.Jey Ganesh (R1)

Mr.V.Meghanathan (R2)

Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed challenging the order dated 27.11.2024 passed by the 1st respondent and quash the same as arbitrary against the principles of natural justice and consequently direct the 1st respondent to issue renewal passport to the petitioner without insisting the court order.

2. It is the case of the petitioner that the petitioner made an application for renewal of passport on 10.01.2023. On 10.01.2023 the first respondent issued a show cause notice to the petitioner stating that the first respondent had received an adverse police verification report stating that a case in Crime No.13 of 2008 under Sections 406,120B IPC has been registered in District Crime Branch, Salem and the same is pending.

2.1. The Petitioner further stated that in the year 2008, a false complaint has been lodged against the petitioner before the 2nd respondent and the same was registered as Crime No.13 of 2008 under Section 420, 120B of IPC and thereafter the same was taken on file as C.C.No.48 of 2010. Subsequently trial has been commenced and due to administrative reason, the same was transferred



from the file of learned Judicial Magistrate , Omalur to learned Judicial Magistrate, Salem and thereafter the petitioner was not aware of the case.

Though the petitioner submitted his explanation to the 1st respondent for the aforesaid show cause notice, there was no response from the said authority and thereafter the 1st respondent passed the impugned order dated 27.11.2024, closing the petitioner's application stating that the petitioner need to get court order to process his renewal passport application.

3. The learned counsel for the petitioner submitted that the issue involved in the present Writ petition is no longer *res integra* and the similar issue has already been decided by the Hon'ble First Bench of this Court in WA. No.902/2023 dated 02.06.2023 wherein this Court held that mere pendency of the criminal case is not a bar for renewal of the passport. If the person wants to travel abroad, he has to get necessary permission from the Court, where the criminal case is pending.

4. The learned counsel for the first respondent would submit that since the petitioner suppressed the criminal case which is pending against him, the 1st respondent has closed the petitioner's application vide order dated 27.11.2024 and therefore the same need not be interfered with.



5. Heard both sides and perused the materials available on record.

6. In the case on hand, the petitioner has made application for renewal of passport and the same was closed by the 1st respondent on 27.11.2024, on account of the criminal case pending against him by stating that the petitioner need to get court order to process his renewal passport application . In this background, the learned counsel for the petitioner relied upon the decision rendered by the Hon'ble First Bench of this Court in WA.902 of 2023 dated 02.06.2023.

7. This Court perused the judgment passed by this Court and the relevant paragraphs are extracted herein;

*"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,



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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.

7. In the light of the above, we pass the following order:

(i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.

(ii) Decision shall be taken as above, within one month."

8. Since the present issue is also one and the similar, therefore, following the said Judgment of this Court, the following orders are passed:

"(i) The impugned order dated 27.11.2024 passed by the first respondent is set aside;

(ii) The first respondent is directed to process the application of the petitioner without insisting the permission of the Court, where the criminal case is pending against the petitioner and decision shall be taken as above, within a period of four weeks from the date of receipt of a copy of this order.

(iii) If the petitioner wants to travel abroad, he has to get necessary permission from the Court where the criminal case is pending against him."



9. With the above observations and directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

22-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Regional Passport Office
Coimbatore First Floor, Corporation Commercial Complex,
Opp.Thandumariamman Koil , Avinashi Road, Coimbatore-641 018
2. The Inspector Of Police, District Crime Branch, Police Station,
Salem.



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M.DHANDAPANI, J.

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