



WEB COPY



W.P.No.7932 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2026

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7932 of 2026
and W.M.P.No.8604 of 2026

Senguttuvan Elangovan

... Petitioner

Vs

1.The Regional Passport Officer,
Chennai Royala Towers, No.2 and 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai-600 002.

2. The State of Tamil Nadu,
Represented by the Inspector of Police,
Srimushnam Police Station, Cuddalore-608 703.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, or any other appropriate writ, order, or direction, calling for the records of the 1st Respondent pertaining to the impugned Show Cause Notice in Letter Ref.No.SCN/1051917614/25 dated 01.11.2025, quash the same as being arbitrary and illegal, and consequently direct to the 1st Respondent to process and issue the passport to the petitioner, Shri.Senguttuvan Elangovan, under File No: MAH075546827025 within a time-bound period, notwithstanding the pendency of FIR No.5/2021 and FIR No.51/2025 before the Judicial Magistrate-II, Virudhachalam.



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For Petitioner : Mr.K.Jayabalan

For Respondents : Mr.N.K.Nithilavani,
Central Government Pleader for R-1
: Mr.V.Meganathan,
Government Advocate (Crl.Side) for R-2

ORDER

This Writ Petition has been filed challenging the Show Cause Notice issued by the 1st respondent dated 01.11.2025 praying for a consequential direction to the 1st respondent to process the petitioner's application seeking issuance of passport.

2. Mr.N.K.Nithilavani, learned Central Government Counsel takes notice on behalf of the 1st respondent. Mr.V.Meganathan, learned Government Advocate (Crl.Side) takes notice on behalf of 2nd respondent.

3. The petitioner is an Indian Passport Holder. Since, his passport was about to expire on 19.01.2026, he submitted an application seeking renewal of passport on 26.08.2026. It is the case of the petitioner that, while his application for renewal of passport was under consideration, the impugned show cause notice dated 01.11.2025 was issued by the 1st respondent calling upon the petitioner to submit an explanation in respect of the adverse police verification report pertaining to a Criminal case pending against the petitioner in S.T.C.No.385 of



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2022 on the file of the Judicial Magistrate -II, Virudhachalam for the offences under Sections 296 (b), 115 (2), 351 (2) of BNSS and Section 4 of the TN Prohibition of Harrassment of Women Act. Challenging the said show cause notice, the petitioner has come up with the present Writ Petition.

4. Learned counsel appearing for the petitioner submitted that the issue involved in the instant Writ Petition is no longer *res integra* as the similar issue has already been decided by the Division Bench of this Court in W.A.No.902 of 2023 dated 02.06.2023 wherein, it is held that, mere pendency of the criminal case is not a bar for renewal of passport however, if the person wants to travel abroad, he has to get necessary permission from the court where the criminal case is pending.

5. Learned Central Government Counsel appearing for the 1st respondent has no objections to the contentions raised by the learned counsel for the petitioner.

6. On the above contentions, this Court heard the learned Government Advocate (Crl.Side) appearing for respondents 1 & 2 and perused the materials available on record.



7. Having regard to the submission made by the learned counsel appearing for the petitioner, for better appreciation, this Court deems it appropriate to extract the relevant paragraphs of the Judgement passed in W.A.No.902 of 2023 dated 02.06.2023 as under:-

*“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 on 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, 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.



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

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

8. Since the issue involved in the present writ petition is squarely covered by the aforesaid judgement, this Court passes the following order:-

(i) the impugned show cause notice dated 01.11.2025 issued by the first respondent is hereby set aside;

(ii) the 1st 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, within a period of four (4) weeks from the date of receipt of a copy of this order;

(iii) The petitioner shall get necessary permission from the court, where the criminal case is pending against him, in the event, he wishes to travel abroad.

9. With the above observations and directions, the Writ Petition is allowed.

There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

02.03.2026

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J

Nhs

To

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Chennai-600 002.

2. The Inspector of Police,
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Srimushnam Police Station,
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3. The Public Prosecutor,
Madras High Court,
Chennai- 600 104.

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