



WP No. 10328 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 10328 of 2026

Karthika
W/o. Sathiyaraj,
No. 68 East Street,
Manavalanallur,
Viruthachalam Taluk,
Cuddalore district

..Petitioner(s)

Vs

1. Regional Passport officer
Chennai Royala Towers,
Nos.2 and 3, IV Floor, Old No. 785
New No. 158, Anna Salai
Chennai – 600 002
2. The Inspector of Police
Viruthachalam Police station,
Viruthachalam, Cuddalore

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to renew the petitioner's husband Mr.Sathiyaraj passport bearing No. N0715330 based on the petitioner's representation dated 07.03.2026 in accordance with law

For Petitioner(s):

Mr.M.Selvam

For Respondent(s):

Mr.Subba Ranga Bharathi for R1

Mr.V.Meghanathan for R2

Government Advocate (Crl.Side)



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ORDER

This Writ Petition has been filed to direct the respondents to renew the petitioner's husband, Sathiyaraj passport bearing No. N0715330 based on the petitioner's representation dated 7.03.2026 in accordance with law.

2. With the consent of both sides, the main Writ Petition is taken up for final hearing at the admission stage itself.

3. Heard the learned counsels appearing on either side and perused the documents placed on record

4. According to the petitioner, the petitioner's husband is working at Dubai and the passport is expiring on 20.03.2026. The petitioner applied for renewal of the passport to the authority on 20.01.2026 through online portal. Further, based on pre-police verification, the respondent sought for NOC / Acquittal order from the concerned court along with dully filled out GSR 570(E) form from petitioner's husband. The petitioner's husband undertakes to return to India for appearance in the criminal case and to defend the same, hence this Writ Petition has been filed.



5. Perusal of the case reveals that the petitioner's passport application retained by the respondent seeking NOC / Acquittal order from the concerned court. At this juncture, it is relevant for this Court to refer to the decision of the Hon'ble First 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]*** and the relevant portions of the decision reads as under:

"3. Learned counsel for the writ appellant submits that the learned Single Judge of this Court has not taken into consideration Section 6 of the Passport Act, 1967 in its correct perspective. The passport cannot be issued to a person to travel abroad, if the criminal case is pending against him. This aspect needs to be considered.

4. We would be guided by the judgment of the Apex Court in Criminal Appeal No.1342 of 2017 (Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation) dated 27.9.2021. The said case also relates to renewal of the passport. In the present case also, application of the first respondent is for renewal of the passport.

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, 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."



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6. The facts of the present case on hand is squarely covered by the aforesaid decision. Hence, in the light of the aforesaid decision of the Hon'ble Division Bench of this Court, the present Writ Petition stands disposed of. Consequently, the first respondent shall issue the passport to the petitioner without insisting for permission of the Court, where a criminal case is pending against the petitioner. If the petitioner is travelling abroad, then, she would be required to seek permission from the Court where the criminal case is pending and the said exercise shall be completed, within a period of two weeks from the date of receipt of a copy of this order.

In the result, the Writ Petition is disposed of with the above terms.

12-03-2026

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

To

1. The Regional Passport officer
Chennai Royala Towers,
No.2 and 3, IV Floor, Old No. 785
New No. 158 Anna Salai
Chennai 02
2. The Inspector of Police
Viruthachalam Police station,
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M.DHANDAPANI, J.

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