



WEB COPY

WP No. 11106 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11106 of 2026

and

WMP Nos.12053 & 12054 of 2026

S.Sathish Kumar
S/o Sekar
No.13 A Meenatchi Bharathi Co-operative Street,
Moolachathiram, M.M.C,
Chennai 600 051.

..Petitioner(s)

Vs

1. The Regional Passport Officer,
Regional Passport Office Chennai,
No.785, Royala Towers, 2 and 3,
Anna Salai, Triplicane,
Chennai 600 002.
2. The Inspector of Police,
P5 M.K.B. Nagar, Police Station,
Pulianthope, Chennai.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the impugned show cause notice vide Letter Ref. NoSCN/310412549/20 dated 12.11.2020 sent by the 1st respondent and to quash same as arbitrary and illegal



and consequently to direct the 1st respondent to issue passport to petitioner by considering his representation dated 19-01-2026.

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For Petitioner: M/s.N.M.Nijamudheen

For Respondents: Mr.B.Kannan

CGSC

ORDER

This petition has been filed seeking to quash the Show Cause Notice issued by the first respondent vide Letter Ref. NoSCN/310412549/20 dated 12.11.2020, and consequently to direct the 1st respondent to issue a passport to petitioner by considering his representation dated 19-01-2026.

2. It is the case of the petitioner that he made an application for issuance of a passport through the online portal on 02.11.2020 before the first respondent. Pursuant to the appointment schedule, the petitioner appeared before the Passport Officer on 03.11.2020, and submitted all requisite documents for verification. However, on 12.11.2020, the first respondent issued a Show Cause Notice stating that the first respondent had received an adverse police verification report stating that *“the applicant is involved in a criminal case in Cr.No.1160 of 2017 on the file of the second respondent for the alleged*



offences u/s.294(b), 323, 380 and 506(ii) of IPC" . Therefore, the petitioner's application is kept pending without any progress and no final report has been passed so far. Hence, the petitioner has filed the present writ petition challenging the said impugned show cause notice dated 12.11.2020.

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 Standing Counsel appearing for the first respondent has not objected the submissions made by the learned counsel for the petitioner.

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

6. Considering the fact that the petitioner has made an application for issuance of a passport and the same is kept pending without any progress. 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, 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 show cause notice issued 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, the connected miscellaneous petitions are closed.

25-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma

To

1. The Regional Passport Officer,
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No.785, Royala Towers, 2 and 3,
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2. The Inspector of Police,
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M.DHANDAPANI, J.

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