



WEB COPY

WP No. 13853 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 13853 of 2026

Devendiran

Petitioner(s)

Vs

1. The Regional Passport Office,
Chennai Royala Towers, No.2 and 3,
4th Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002.

2.State of Tamilnadu Represented by
the Inspector of Police,
Natrampalli Police Station, Vellore.

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, directing the first respondents to renew the petitioners passport based on his application No.MA2077360787325 dated 31.01.2025.

For Petitioner(s): Mr.Terry Chella Raja

For Respondent: Mr.G.Mutharasu for R1
Mr.V.Meghanathan for R2
Government Advocate (Crl.Side)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This petition has been filed for a direction, directing the first respondents to renew the petitioners passport based on his application No.MA2077360787325 dated 31.01.2025.



3. It is the contention of the petitioner that the petitioner applied for renewal of passport, however, the first respondent sent the communication dated 01.07.2025 stating that adverse report is sent by the police with regard to the criminal case is pending in Cr.No.359/2015 on the file of the 2nd respondent. Hence, the petitioner seeks for a direction for renewal of passport.

4. Heard both sides and perused the materials placed on record.

5. At the outset, it is relevant to note that mere pendency of the criminal case, it is not a bar for processing the application for issuance of passport. This aspect has been clearly held by the First Bench of this Court in the case of *The Regional Passport Officer vs. Samsudeen Mohamed Salih and another* made in *W.A.No.902 of 2023* dated 02.06.2023. The relevant paragraph of the judgment reads as follows:-

" 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."

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6. It is also apposite to refer to the case of *Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation* made in *Criminal Appeal No.1342 of 2017* dated 27.09.2021, the appellant therein was convicted to undergo one year of imprisonment, the Hon'ble Apex Court has held that the passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal. The relevant portion of the judgment reads as follows:-

"Admittedly, at present, the conviction of the appellant stands still the disposal of the criminal appeal. The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.

The passport authority is directed to renew the passport of the applicant without raising the objection relating to the pendency of the criminal appeal in this Court. Subject to the other conditions being fulfilled, the Interlocutory Application stands disposed of."

7. Considering the above judgments, I am of the view that mere pendency of the criminal cases are not a bar for processing the passport. Such view of the matter, there shall be a direction to the first respondent to consider the application of the petitioner for renewal and renew the passport if otherwise, the petitioner satisfies other conditions. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this Order. It is also made clear that if the petitioner has to travel abroad, he shall obtain permission from the Magistrate or Sessions Court where criminal case(s) are pending.



7. Accordingly, this writ petition stands disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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