



W.P. No.44691 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.44691 of 2025

and

W.M.P. No.49869 of 2025

SARAVANAN

Petitioner

Vs

1. The Regional Passport Office
Royal Tower, Nos.2 & 3,
4th Floor, Old No.785, New No.158,
Anna Salai, Chennai-600 002.

2.The Inspector Of Police
Kandili Police Station,
Tirupattur District.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus calling for the entire records pertaining to the Impugned order passed by the 1st respondent vide his Letter Ref.No.SCN/ 314108915/23 dated 16.01.2023 and quash the same and consequently direct the respondent to issue passport vide his file No.MA51C5098625122 dated 12.12.2022 to the petitioner.

For petitioner : Mr. E. Kannadasan

For respondents : Mr.U. M. Shankaar

Central Govt. Standing Counsel

Mr.S. Balaji

Govt. Advocate (Crl. Side) for R2



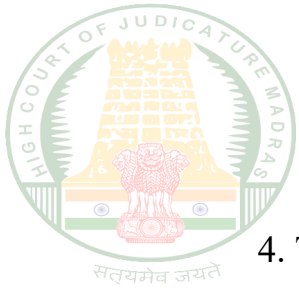
W.P. No.44691 of 2025

ORDER

WEB COPY This petition has been filed seeking to call for the entire records pertaining to the impugned order passed by the 1st respondent vide his Letter Ref.No.SCN/ 314108915/23 dated 16.01.2023 and quash the same and consequently direct the 1st respondent to issue passport to the petitioner, by considering his file dated 12.12.2022 in No.MA51C5098625122.

2. It is stated that the petitioner has made an application before the 1st respondent for issuance of passport on 12.12.2022. On 16.01.2023, the 1st respondent issued a show cause notice stating that the applicant is involved in criminal cases and sought an explanation. It is further stated that due to unavoidable circumstances, the petitioner was unable to appear before 1st respondent and once again he applied for issuance of passport on 20.06.2024 and paid charges vide File No.MASB03171610.

3. It is the case of the petitioner that out of five criminal cases, proceedings in four cases were quashed by this Court and only one case is pending before the Special Court for SC/ST cases, Vellore District. Further, it is the grievance of the petitioner that due to non-issuance of Passport, he was unable to accompany with his son, who is pursuing higher education at Russia. Hence, the petitioner has filed the present writ petition challenging the said impugned show cause notice dated 16.01.2023.



W.P. No.44691 of 2025

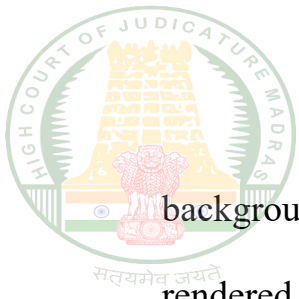
4. The learned counsel for the petitioner submitted that the issue involved in the present writ petition is no longer res integra and the similar issue has already been decided by the Hon'ble First Bench of this Court in WA. No.902/2023 dated 02.06.2023 wherein this Court held that mere pendency of the 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. Hence, he prayed for allowing of this writ petition by quashing the impugned order dated 16.01.2023 issued by the 1st respondent.

5. Acceding to the said submission, Mr.U.M. Shankaar, learned Standing Central Government Standing Counsel appearing for the 1st respondent, submitted that appropriate directions may be issued by this Court.

6. The learned Government Advocate for the 2nd respondent submitted that there is no heinous offence as against the petitioner.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Considering the fact that the petitioner has made an application for issuance of 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.

9. 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."



W.P. No.44691 of 2025

10. Since the present issue is also one and the similar, therefore, following the decision rendered by the Hon'ble First Bench of this Court on 02.06.2023 in W.A. No.902 of 2023, this Court issues the following directions :-

"(i) The impugned show cause notice 16.01.2023 issued by the 1st respondent is set aside and the 1st respondent is directed to process the application of the petitioner without insisting on the permission of the Court, as out of five cases, proceedings in four cases were quashed by this Court and only one case is pending against the petitioner before the concerned Court.

(ii) If the petitioner wants to travel abroad, the petitioner would be required to seek permission from the Court where the case is pending or from this Court by filing appropriate application."

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

24.11.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2



WEB COPY



W.P. No.44691 of 2025

M. DHANDAPANI, J.

vsi2

To

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