

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11817 of 2014

And

M.P.No.1 of 2014

O.Herald Jebaraj

... Petitioner

Vs.

1.The Regional Passport Officer
Chennai.

2.The Secretary
Ministry of Foreign Affairs, Malaysia
No.7 (Old No.3) Cenotaph Road
First Street, Teynampet, Chennai - 18.

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner for processing the passport application made in File NO.MA2061777013313 on merits to issue appropriate and valid passport and within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.A.S.Chakravarthy
CGSC

सत्यमेव जयते

O R D E R

Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.A.S.Chakravarthy, learned Central Government Standing Counsel appearing for the respondents.

2.Petitioner seeks for a direction upon the respondents to consider his application for grant of passport.

3.According to the petitioner, he was born to Mr.V.Oliver Daniel and Mrs.Sarojini Oliver Daniel on 27.04.1970 at Malaysia. It is stated that the petitioner's parents are Indian citizens. It is further stated that during 1971, the petitioner's parents came back

to India and at that time, the petitioner's age was about 1 year and 15 days. Ever since then, the petitioner has been residing in India. The petitioner would state that he had married Ms.Sudha Petcy in India and she has been granted passport. The petitioner's application was complete in all respects, but however, the first respondent was insisting upon a travel document to prove that the petitioner had travelled to India in 1971. According to the petitioner he was less than two years and as of now, they do not have any travel document but his mother has sworn to an affidavit certifying the correctness of the facts stated above. The petitioner would further state that he has all other records to prove he has been residing in India for over 40 years.

4.In the light of the above stated facts, there will be a direction to the first respondent to consider the petitioner's pending application for grant of passport taking note of the documents produced by the petitioner after affording opportunity of personal hearing to the petitioner and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pri
To

1.The Regional Passport Officer
Chennai.

2.The Secretary
Ministry of Foreign Affairs, Malaysia
No.7 (Old No.3) Cenotaph Road
First Street, Teynampet, Chennai - 18.

1 cc to Mr.L.Chandrakumar ,Advocate, SR.No.14634

1 cc to Mr. A.S.Chakravarthy,Advocate, SR.No.15396

W.P.No.11817 of 2014
And
M.P.No.1 of 2014

ppa(co)
pmk.24.3.2015