

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2015

Coram

The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.28606 of 2015

Mohammed Ashraf Nather

... Petitioner

Vs.

The Regional Passport Officer

Regional Passport Office Royala Towers No.
2&3 IV Floor Old No. 785 New No. 158
Anna Salai Chennai -02.

... Respondent

Prayer: This writ petition is filed under Article 226 of Constitution of India, seeking a writ of mandamus directing the respondent to consider the petitioner representation dated 18.08.2015 for reissue of passport under application dated 12.03.2014 bearing No. 14-1002255029 and reissue the passport.

For Petitioner : Mr. Mohammed Fayaz Ali

For Respondent : Mr.R.Veludas

Central Government Counsel

O R D E R

The petitioner made an application on 12.03.2014 for re-issuance of passport. On its non consideration, he made a representation on 18.08.2015 and thereafter, approached this Court. The request of the petitioner was not considered as seen from the counter affidavit on the ground that he has suppressed that he has been convicted in a criminal case, though the appeal filed by him in CrI.A.No.22/2012 was allowed on 15.5.2014 which is subsequent and he also applied for a fresh passport on 12.06.2008 suppressing the fact that he was already holding passport which was valid till 10.5.2012.

2. Insofar as the suppression of the fact by the petitioner that he was already holding passport is concerned, proceedings have been initiated and pursuant to which, he also paid the fine

imposed. Thus, the same cannot be a ground to deny the re-issuance of passport to him. Insofar as the criminal case is concerned, admittedly as of now, the conviction rendered has been set aside by an order passed in Crl.A.No. 22/2012 dated 15.5.2014, though it is subsequent to the application dated 12.3.2014. Thus, in law, there cannot be any objection for considering the re-issuance. Merely because, the Directorate of Enforcement has not sent a reply, the petition cannot be denied the re-issuance of passport.

3. Accordingly, the writ petition is allowed. The respondent is directed to re-issue the passport to the petitioner pursuant to the application dated 12.3.2014 subject to the rules and regulations being followed, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Regional Passport Officer
Regional Passport Office Royala Towers No.
2&3 IV Floor Old No. 785 New No. 158
Anna Salai Chennai -02.

+1cc to Mr.R.Veludas, Advocate, S.R.No.67313

+1cc to Mr.Mohamad Fayaz Ali, Advocate, S.R.No.67182

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vd[co]

srg 29/12/2015

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