



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.09.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.1522 of 2014

Seetha

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Madurai.

... Respondent

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the respondent to issue Passport to the petitioner and allow her to go abroad.

For petitioner : Mr.R.Venkatesan
For Respondent : Mr.S.Jeyasingh
Spl. Govt. pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the respondent to issue Passport to the petitioner and allow her to go abroad.

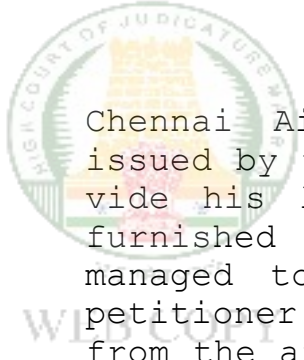
2.Heard Mr.R.Venkatesan, learned counsel appearing for the petitioner and Mr.S.Jeyasingh, learned Special Government Pleader appearing for the respondent.

3. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner herein got married with one Ganesh Babu. In the wedlock, they were blessed with three daughters and all of a sudden her husband died. Due to her family situation, she went for a work. In the meantime, she got an opportunity to work abroad. She applied for passport before the Passport Officer, Trichy and provided all the documents. Prior to submitting her passport application, she obtained verification certificate and conduct certificate from Tahsildar and the local Police Station. She enclosed those documents in her application and the Passport Officer, Trichy issued a Passport on 27.11.2007 bearing No.G6209998. Thereafter, she worked in Malaysia to save for her three children. In the meanwhile, she lost her passport near Jaihindupuram and she lodged a complaint before the Jaihindupuram Police Station on 28.07.2009 and she got a missing



certificate on 02.08.2009 after which, she got the duplicate passport on 28.08.2009 at the respondent's office and the date of expiry is 27.08.2014 and the Passport number is No.H6726497. On 05.12.2013, she came to India from Malaysia and on the same day at the Chennai Airport, the Senior Immigration Officer, Chennai, International Airport enquired the petitioner and thereafter, passed an order on 05.12.2013 and impounded the passport issued by the respondent by his Reference No.MDU/IC-IMP/0011/11, dated 24.10.2011. The said passport was impounded without any reason. The petitioner has no bad antecedents, till date and hence, she has come forward with the present writ petition for a writ of mandamus, directing the respondent to issue Passport to the petitioner and allow her to go abroad.

4.The respondent filed counter affidavit and it is stated that the petitioner herein, who was born on 04.05.1979, had applied for re-issue of passport in lieu of her lost passport No.G6209998, dated 27.11.2007 along with FIR/Missing Certificate and obtained a duplicate passport No.H6726497, dated 28.08.2009 which is valid upto 27.08.2019 vide file No.MDUG00268209, dated 05.08.2009. The FIR/Missing Certificate obtained from Police authorities by the petitioner was referred to the issuing authorities I.e., the Inspector of Police, B-6 Jaihindpuram to confirm the genuineness of the FIR/Missing Certificate. On verification of the FIR/Missing Certificate, it was confirmed that the certificate is not a genuine one. The Inspector of Police, B6 Jaihindpuram Police station, Madurai had informed vide his letter, dated 25.10.2011 that one Mr.Chinnanan, Head Constable previously working in B6, Jaihindpuram Police Station, Madurai had issued the said FIR/Missing Certificate and a criminal case was registered against him. Hence, show cause notice was issued to the petitioner vide reference No.MDU/G002682/09, dated 13.09.2011 to surrender her passport NO.H6726497 dated 28.08.2009 with explanation for submitting fake FIR and all original documents submitted with passport application and further explanation was also called for as to why action should not be initiated against her for furnishing false documents with a view to obtain a passport which is an offence under Section 10(3)(b) and 12(1)(b) of the Passports Act, 1967. Show cause notice was returned with postal remarks "Left India". The petitioner has not responded to surrender the passport No.H6726497 as advised in the show cause notice and hence it was ordered to be impounded and necessary entries were made in the computer system DRILNO20173111. It was also intimated to the petitioner, dated 21.11.2011, but the same was returned with remarks "Left India". There is no response from the petitioner either to surrender the passport or to furnish any explanation and the show cause notice sent to the petitioner was also returned. Hence, the passport was ordered to be revoked on 11.01.2012. The ~~seizure of passport~~ ^{revocation of passport} was also intimated to the petitioner. The Passport No.H6726497, dated 28.08.2009 of the petitioner was seized by the Bureau of Immigration (MHA) Government of India,



Chennai Airport, Chennai in terms of the revocation circular issued by the respondent office and forwarded to respondent office vide his letter, dated 05.12.2013. But, now the petitioner had furnished an explanation, dated 10.12.2013 stating that she managed to obtain the false FIR through a broker. Hence, the petitioner was advised to furnish a fresh FIR/Missing Certificate from the area where she had originally lost her passport. Once the petitioner submits a fresh FIR/Missing Certificate, necessary action will be initiated to process her case as per rules.

5. In view of the statement made by the respondent, the petitioner is at liberty to lodge a complaint before the jurisdictional police station, where she had lost her passport and obtain a missing certificate and in the event of producing the copy of the FIR/Missing Certificate, the respondent is directed to pass appropriate orders with regard to issuance of passport.

6. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Regional Passport Officer,
Regional Passport Office,
Madurai.

+ 1 CC TO MR.S.JEYASINGH, ADVOCATE IN SR NO. 53484

AM

TE/AAL-MPA/ 06/10/2015 3P/3C

W.P (MD) .No.1522 of 2014
09.09.2015