

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.26198 of 2016

Pachiammal Chinnu Gounder .. Petitioner

vs.

Government of India,
Rep by the Regional Passport Officer,
1st Floor, Corporation Commercial Complex,
Opp. to Thandumariamman Koil,
Avinashi Road,
Coimbatore-641 018. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to issue a duplicate passport No.J1509891 in the pending application Ref.No.(ARN 161004624707) dated 21.05.2016.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.A.Veeramani,

Central Govt. Standing Counsel

ORDER

This Writ Petition has been filed praying for a Mandamus directing the respondent to issue a duplicate passport bearing No.J1509891 in the pending application Ref.No.(ARN 161004624707) dated 21.05.2016.

2. According to the petitioner, he earlier obtained a passport bearing No.H9607910 and since it contained a typographical error in the name, he applied for modification and it was also issued on 10.10.2011 and he has been utilizing the same for more than 2 years. Thereafter, the petitioner misplaced the modified passport and therefore, he has given a police complaint and the same was taken on file in C.S.R.No.5373497 dated 07.05.2016 and the police have also issued a non-traceable certificate. The petitioner applied for issuance of duplicate passport and the same has not been issued and he has received a communication dated 07.06.2016

from the respondent, wherein the petitioner was asked to appear before the respondent and produce proper clarification/explanation along with both the earlier/original passports on or before 21.6.2016. According to the petitioner, since it was a cancelled passport, he did not retain the same and in any way he has to appear before the authorities concerned and in the event of the petitioner appearing before the respondent, they may be directed to issue duplicate passport to the petitioner.

3. The learned counsel appearing for the respondent would contend that in respect of reissue/issue of duplicate passport, production of earlier/cancelled passport is very much necessary and therefore, the respondent vide communication dated 07.06.2016 has called for the petitioner for production of earlier documents and without appearing before the respondent, the petitioner has straightaway approached this Court by filing this writ petition. Thus the learned counsel for the respondent would contend that the petitioner may be directed to appear before the respondent and produce the necessary documents.

4. Heard the rival submissions and also perused the materials placed before it.

5. No doubt, the petitioner has straightaway approached this Court without adhering to the respondent's communication asking the petitioner to appear for enquiry and produce documents. Now the petitioner has stated that he will appear before the respondent and the respondent may be directed to issue duplicate passport to the petitioner, by taking into consideration that his earlier passports had been cancelled.

6. In the result, this Writ Petition is disposed of with a direction to the petitioner to appear before the respondent with all the documents that are available and the respondent, taking into consideration that the earlier passports of the petitioner had been cancelled and after giving sufficient opportunity to the petitioner, shall pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

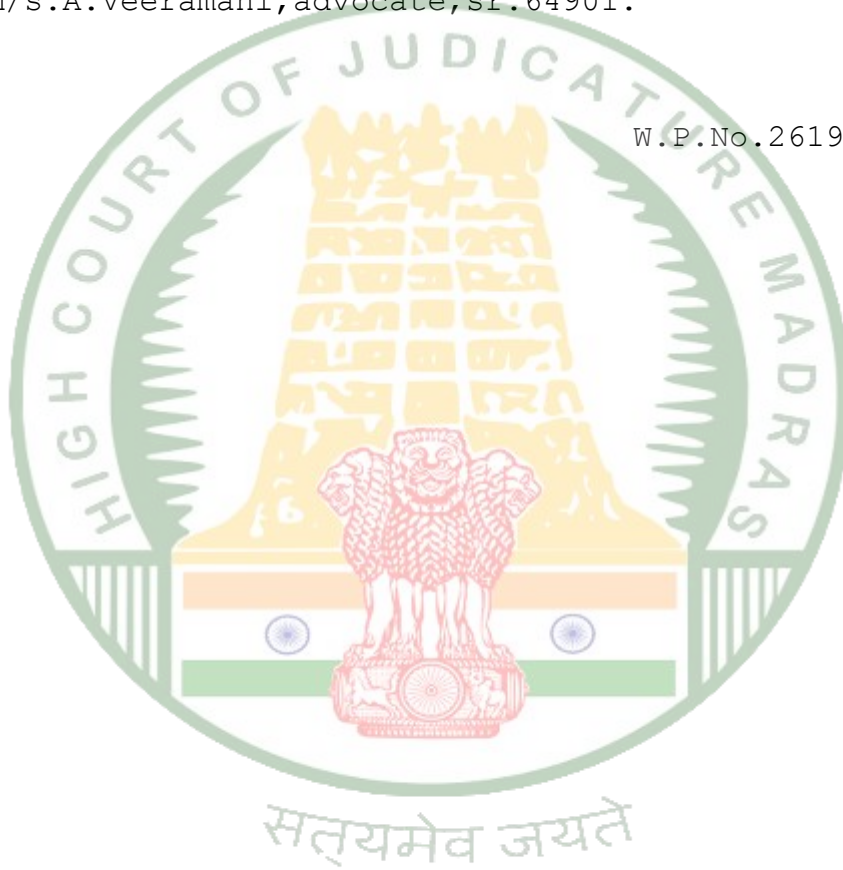
The Regional Passport Officer,
Government of India,
1st Floor, Corporation Commercial Complex,
Opp. to Thandumariamman Koil,
Avinashi Road,
Coimbatore-641 018.

+1 cc to M/s.A.Thiyagarajan,advocate,sr.64283

+1 cc to M/s.A.Veeramani,advocate,sr.64901.

nr(co)
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