



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.11.2016

Coram

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No. 22371 of 2015

and

M.P. (MD) No. 1 of 2015

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N. Muniyasamy

. . . Petitioner

-Vs-

1. Government of India

Ministry of External Affairs,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002

2. The Superintendent of Police,

Office of the Superintendent of Police,
Ramanathapuram District.

. . . Respondents

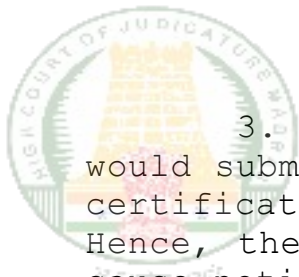
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order dated 06.02.2014 and quash the same and consequently, direct the respondent to re-issue the Passport of the petitioner, based on the application No. MD1077271034113 dated 22.10.2013.

For Petitioner	: Mr. N. Thiyagarajan Senior Counsel for V. Muthumani
For R1	: Mr. R. Vijayarajan
For R2	: Mr. N. S. Karthikeyan Additional Govt. Pleader

O R D E R

The writ petition has been filed for a Writ of Certiorarified Mandamus to call for the records relating to the order dated 06.02.2014 passed by the first respondent and quash the same and consequently, direct the first respondent to re-issue the Passport of the petitioner, based on the application No. MD1077271034113 dated 22.10.2013.

2. According to the petitioner, he had applied for the passport in the year 2003 and the respondent has issued the passport on 10.12.2003 and the same was expired on 09.12.2013. Thereafter, he had filed an application for re-issuance of passport. Now, on receipt of the application, the first respondent issued the above show cause notice stating that forged transfer certificate has been produced by the petitioner for obtaining the passport. Thereafter, the petitioner has given an explanation on 12.03.2014. Even after getting the explanation, the passport authorities refused to re-issue the passport.



3. The learned Senior counsel appearing for the petitioner would submit that already the petitioner has produced the transfer certificate and accepting the same, the passport has been issued. Hence, the first respondent has no jurisdiction to issue the show cause notice.

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4. The learned counsel appearing for the respondents would submit that the transfer certificate produced by the petitioner has been referred for verification and found that it is not a genuine one.

5. In the above circumstances, it is only a show cause notice issued by the first respondent, the petitioner is directed to appear before the first respondent and raise all the objections including the jurisdiction of the first respondent to issue show cause notice to the petitioner and the first respondent, after receiving the objection, conduct enquiry and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. Government of India
Ministry of External Affairs,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002

2. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

+2 cc to Mr.R.Vijayarajan, Advocate, SR.No.67084 and 67246

+1 cc to Mr.R.Senthil Kumar, Advocate, SR No.67242

+1 cc to Spl. Government Pleader SR.No.67063

akv

UM/GSV-SV/2p/7c/20.01.2017

W.P. (MD) .No.22371 of 2015

08.11.2016