



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.4937 OF 2014

M.Jeyaram

...Petitioner

.-Vs-.

1.The Senior Immigration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai.

2.The Regional Passport Officer,
Office of Regional Passport Office,
Madurai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to return the Passport No. J4157158 issued on 12.10.2010 to the petitioner which was seized by the first respondent on 04.10.2012 within a time frame fixed by this Court and pass further orders as this Court may deem fit and proper.

For Petitioner

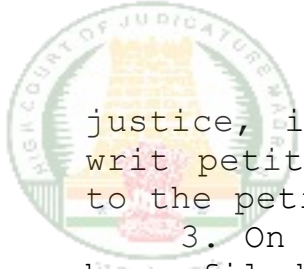
:Mr.B.Saravanan

for Mr.N.Satheeshkumar.

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the respondents to return the Passport No.J4157158 issued on 12.10.2010 to the petitioner, which was seized by the first respondent on 04.10.2012.

2. It is the case of the petitioner that several false cases were registered against him, since he is an active member and leader in Madurai District of a prominent political party. The petitioner submits that his passport was impounded/seized from the petitioner by the first respondent, on the ground that his name was figured in 'Look Out Circular' pursuant to the communication issued by the second respondent, dated 07.09.2011. The petitioner further submits that he was not served with any order impounding his passport and that the impounding/seizure of passport from him, without an order in compliance with the principles of natural



justice, is illegal and hence, he is entitled to succeed in the writ petition, directing the respondents to return the passport to the petitioner.

3. On behalf of the second respondent, a counter affidavit has been filed. In paragraph '5' of the said counter affidavit, it has been stated that the show-cause notice, dated 01.06.2011, was issued to the petitioner asking him to surrender his passport and also to furnish explanation as to why action should not be taken to impound the passport issued to the petitioner, in exercise the powers under Section 10(3)(b) and 12(1)(b) of the Passports Act, 1967. It is further stated in the counter affidavit that though, the petitioner responded to the show-cause notice, a reply was sent to the petitioner. Further, it has been stated by the second respondent that an order of revocation was passed on 29.08.2011, by the second respondent, since the petitioner refused to surrender his passport and that the said decision regarding the revocation of passport was also intimated to the petitioner, vide letter, dated 05.08.2011.

4. Having regard to the facts set out in the counter affidavit, this Court cannot entertain the writ petition to give a direction to the second respondent to return the passport. However, the petitioner is at liberty to challenge the order of revocation in the manner known to law. The petitioner, in that context, submits that the copy of the order of revocation stated by the second respondent in his counter has not been served on the petitioner.

5. In these circumstances, this Court, without going into the dispute on the service of order of revocation and the intimation, direct the second respondent to furnish a copy of the order of revocation passed by the second respondent on 21.07.2011 and the intimation to the petitioner, vide letter of second respondent dated 05.08.2011, to the petitioner, within a period of two weeks from the date of receipt of the request to be made by the petitioner.

6. With these directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar



To

1.The Senior Imigration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai.

2.The Regional Passport Officer,
Office of Regional Passport Office,
Madurai.

+1cc to Mr.R.Ragavendran, Advocate in SR.No.31805

gsr

JA-ARK-PV/05.07.2016/3P-4C

W.P (MD) No.4937 OF 2014

21.06.2016