



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM:

THE HON'BLE **MR. JUSTICE K. KALYANASUNDARAM**

W.P(MD) No.10740 of 2016

Suresh

... Petitioner

-vs-

1.The Commissioner of Police,
Madurai City, Madurai.
2.The Inspector of Police,
Crime Branch,
Jaihindpuram Police Station,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 2nd respondent police to consider the petitioner's representation dated 31.05.2016 and to issue bonafide certificate on the basis of his documents within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

This writ petition is filed seeking direction to the 2nd respondent police to consider the petitioner's representation dated 31.05.2016 and to issue bonafide certificate on the basis of his documents within the time stipulated time.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

3.The case of the petitioner is that he was issued a passport on 25.09.2007 by the Passport Officer, Regional Passport Office, Trichy and he lost the passport on 25.11.2009. Immediately, he lodged a complaint to the second respondent and a case was registered in CSR.No.246 of 2009. Based on the non-traceable certificate issued by the second respondent office on 29.11.2009, the petitioner got a new passport on 07.01.2010.

4. The petitioner would further submit that he went to Saudi Arabia and returned to India on 03.04.2016 for his marriage, but the Airport Authorities seized his passport for verification. The Regional Passport Officer, Madurai, directed the petitioner to get a bonafide certificate from the second respondent. Hence, he made a representation to the second respondent on 31.05.2016, since it

was not favourably considered, this present writ petition has been filed.

5. The second respondent has filed a counter stating that the petitioner is a resident of Kanyakumari District. However, he approached the Head Constable, namely, Chinnanan, who was working at B-6, Jaihindpuram Police Station, Madurai City, through a broker and got a false missing certificate. But, in the station records, there is no entry about the complaint received from the petitioner in the year 2009. Now, the said Chinnanan has been placed under suspension and a criminal case was also registered in the City Crime Branch, Madurai City, in Crime No.29 of 2010 for the alleged offences under Sections 406, 420, 463, 468 and 478 IPC and the case is under investigation.

6. The learned Government Advocate (Crl. Side) further submitted that the respondent police have no statutory obligation/duty to consider the representation of the petitioner for issuance of bonafied certificate.

7. The learned counsel for the petitioner is not in a position to demonstrate under what provisions, the respondents have to consider the representation of the petitioner and issue the certificate.

8. In such a view of the matter, I do not find any merits in this writ petition. Hence, this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Crime Branch,
Jaihindpuram Police Station,
Madurai.

+1cc to M/S.M.R.SREENIVASAN, ADVOCATE, SR NO:54621

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 54502

pjl

JA-SKS-SAR.I-5.10.2016-2P:5C

W.P (MD) No.10740 of 2016

21.09.2016