

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.35720 of 2003

Mr.Syed Ibrahim

... Petitioner

vs.

1.The Regional Pass-Port Officer,
No.26, Haddows Road,
Shastri Bhavan, Chennai-6.

2.The Secretary to Government,
Ministry of External Affairs,
C.P.V.Division,
Patiyala House Annexe,
Tilak Marg, New Delhi -1.

3.The Commissioner of Police,
Coimbatore City, Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus, to call for the records relating to order passed by the 1st respondent in Ref.No.F.No.MAS/3460/124/2002 dated 13.09.2002 as confirmed by the order of the 2nd respondent in Ref.No.VIII/402/App-63/03 dated 29.04.2003 and set aside the same by directing the respondents 1 and 2 to return to the petitioner his passport bearing No.B-5875330 on the file of the 1st respondent subject to any condition that may be imposed.

For Petitioner :Mr.Sirajudeen, Senior Counsel
for M/s.Siraj & Siraj

For Respondents 1 & 2 :Mr.J.Madhana Gopal Rao

For Respondent 3 :Mr.Akhil Akbar Ali
Central Government Standing Counsel
Government Advocate

O R D E R

The petitioner has come forward challenging the order passed by the 1st respondent in Ref.No.F.No.MAS/3460/124/2002 dated 13.09.2002 as confirmed by the order of the 2nd respondent in Ref.No.VIII/402/App-63/03 dated 29.04.2003 and set aside the same by directing the respondents 1 and 2 to return to the petitioner his passport bearing No.B-5875330 on the file of the 1st respondent subject to any condition that may be imposed.

2. The petitioner submitted that he applied for a passport in the year 2001 and after due verification, passport has been issued. The petitioner has received a communication dated 05.04.2002 from the first respondent, calling upon him to surrender the passport and therefore, he has surrendered the passport on 20.04.2002.

3. Thereafter, the petitioner has made a representation before passport authority, requesting to return the passport. However, the same was refused by an order dated 13.09.2002, on the ground that the police authorities have not recommended for grant of passport and they have been decided to revoke passport under Section 10 (3) (c) of the Passport Act, 1967. Aggrieved by the order, the petitioner has filed an appeal before appellate authority, who has confirmed the rejection order and upheld the revocation vide order No. MAS/3460/124/2002 dated 13.09.2002 issued by the Regional Passport Officer, Chennai.

4. It is submitted by the learned Senior counsel for the petitioner that C.C.No.133 of 1999, dated 29.09.2000, was not pending against him on the date of application of the passport and Criminal case pending against him ended in acquittal. That apart, there is no reason for impounding the passport.

5. Per contra Mr.J.Madhanagopal Rao the learned Senior Central Government Standing Counsel appearing for the first and second respondents submitted that the passport is valid only a period of ten years and the said period has already expired; but the respondents are not aware, whether the petitioner is in India or in abroad.

6. The petitioner has approached the authorities for the issuance of passport and the same got refused and on appeal, the same was confirmed.

7. Now, the petitioner has made application for the issuance of fresh passport in his name. Therefore, the

respondents 1 and 2 are directed to consider the said application on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after due verification by the 3rd respondent.

8. The Writ Petition is disposed of, with the above direction. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1.The Regional Pass-Port Officer,
No.26, Haddows Road,
Shastri Bhavan, Chennai-6.

2.The Secretary to Government,
Ministry of External Affairs,
C.P.V.Division,
Patiyala House Annexe,
Tilak Marg, New Delhi -1.

3.The Commissioner of Police,
Coimbatore City, Coimbatore.

+1cc to Mr.J.Madhanagopal rao Advocate SR.No.51527

+1cc to Mr.R.Rajamani, Advocate SR.No.51735

+1cc to Government Pleader SR.No.52500

SDR 28.10.2017

सत्यमेव जयते

Order in
W.P.No.35720 of 2003

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