



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition (MD) No.6904 of 2015

Syed Sulaiman

... Petitioner

Vs.

The Regional Passport Authority,
Passport Office,
Race Course Road,
Madurai.

... Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to issue passport to the petitioner on the basis of the representation, dated 11.12.2014.

For petitioner : Mr.R.J.Karthick

For Respondent : Mr.G.Rajaraman

O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus directing the respondent to issue passport to the petitioner on the basis of the representation, dated 11.12.2014.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The case of the petitioner is that in the year 2004, a case was registered in Crime No.44 of 2004 against him and others by the Inspector of Police, Railway Police Station, Tirunelveli for offence under Section 379 IPC. He was thereafter charge sheeted in S.C.No.212 of 2005 before the learned I Additional Assistant and Sessions Judge, Tirunelveli for the offences under Sections 120(b), 394, 398, 465, 468 IPC and Section 5A of Explosive and Substances Act. He has been arrayed as A15. The lower court by judgment dated 26.03.2007 convicted the petitioner for offences under Section 395 r/w 114 of IPC and under Section 5A of Explosives Substances Act and an appeal was preferred in S.C.No.212 of 2005 before this Court and conviction and sentence passed by the trial court in S.C.No.212 of 2005 dated 26.03.2007 was set aside by this Court on 22.10.2010.



4. In the meanwhile, the petitioner appears to have submitted an application for issuance of passport in order to perform "Haj" prayer at Mecca, Saudi Arabia. The said application was rejected by the respondent on the basis of police verification report, in which, it is stated that the petitioner had originally suffered conviction in S.C.No.212 of 2005 dated 26.03.2007.

5. After being acquitted in the appeal in CrI.A.No.179 of 2009 by judgment dated 22.10.2010, the petitioner submitted other application requesting the respondent for issuance of passport obviously in view of the changed circumstances.

6. Since in the judgment dated 22.10.2010 the name of the petitioner is mentioned as M.Sulaiman, the respondent has directed the petitioner to give an undertaking letter stating that the said Syed Sulaiman and M.Sulaiman are one and the same. It appears that the petitioner also was levied fine amount for suppression of certain facts from the knowledge of the passport issuing authority. Since no action was forthcoming from the respondent even after acquittal of the petitioner and production of undertaking affidavit regarding his name in the judgment given, he has approached this Court seeking for issuance of writ of mandamus.

7. On behalf of the respondent, a counter affidavit has been filed and in the penultimate paragraph of the affidavit it is stated that the petitioner would apply for fresh passport by declaring correct particulars, by mentioning his previous passport application and the same may be considered for issuance of passport after police verification and in accordance with the Indian Passports Act, 1967.

8. In view of the submissions made by the respondent in the counter affidavit, this Court directs the petitioner to submit a fresh application mentioning all the correct particulars as demanded by the respondent and such application shall be considered for issuance of passport to the petitioner by the respondent after obtaining police verification report and in accordance with the Indian Passports Act, 1967. Such exercise shall be completed within a period of six weeks from the date of receipt of copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)



To

The Regional Passport Authority,
Passport Office,
Race Course Road,
Madurai.

+1 cc to Mr.G.Rajaraman , Advocate in SR.No. 19207
+1 cc to Mr.R.J.Karthick , Advocate in SR.No. 19200

CM

AE/KP/SAR2/12.04.2017/2P/4C

W.P. (MD) No. 6904 of 2015
04.04.2017