



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2017
CORAM

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

WEB COPY

W.P.(MD)No.11496 of 2017
and
W.M.P (MD).No.8855 of 2017

Sambath Thangarasu

.. Petitioner

Vs.

The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
Madurai.

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying this Court, to issue a Writ of Mandamus, directing the respondent to reissue a fresh passport to the petitioner as per the Passport Act, 1957, immediately.

For Petitioner : Mr.T.R.Jeyapalam
For Respondents : Mr.N.Shanmugaselvam
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to reissue a fresh passport to the petitioner, as per the Passport Act, 1957, forthwith.

2.Heard Mr.T.R.Jeyapalam, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Standing Counsel appearing for the respondent.

3.The case of the petitioner is that the respondent issued passport to the petitioner in Passport No.G7011598 under the Passport Act, 1957. After the expiry of the earlier passport, he applied for re-issuance of a fresh passport on 21.06.2016. Subsequently, the respondent sent a letter dated 24.06.2016, for impounding the passport. Therefore, the petitioner surrendered the passport on 04.07.2016 and also submitted his explanation with regard to the First Information Report pending against him. Since no order was passed in this regard, the present writ petition is filed.

4.Mr.T.R.Jeyapalam, learned counsel appearing for the petitioner would submit that mere registration of criminal case is not sufficient for issuance of a fresh passport and renewal of the earlier passport.



5.The learned counsel also placed reliance on the decision of this Court reported in the case of Arockia Jeyabalan v. The Regional Passport Officer, Mount Road, Chennai & others, reported in 2014-4-L.W. 841 and in the case of Venkatesh Kandasamy v. Government of India, Ministry of External Affairs, Chennai, reported in AIR 2015 MADRAS 2.

6.Mr.N.Shanmugaselvam, learned Standing Counsel appearing for the respondent would submit that the application of the petitioner is under consideration and the respondent would also take into consideration the decisions of this Court, while passing orders.

7.In view of the above, this Court directs the petitioner to submit a fresh application to the respondent for renewal of his passport enclosing a copy of this order and other necessary documents, within a period of two weeks, on such compliance, the respondent shall consider the same and pass orders on merits and in accordance with law, in the light of the judgment referred to above, after providing an opportunity to the petitioner within a period of six weeks therefrom.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
Madurai.

+1cc to M/S.T.R.Jeyapalam, Advocate SR.No. 66223
+1cc to M/S.N.Shanmugaselvam, Advocate SR.No. 66396

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KM/NS