



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.18439 of 2017

Rahamathullah Moula Kader
Mohideen Mohamed Hanifa

.. Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
New Delhi.

2. The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 2nd respondent to accept petitioner's passport application under File No.MD2070379281517 dated 05.07.2017 and to issue him passport, within the period stipulated by this Honourable Court.

For Petitioner
For Respondents

: Ms.S.Akila
: Mr.Ashok Kumar Ram

ORDER

Alleging that the second respondent has kept the petitioner's passport application No.MD2070379281517 dated 05.07.2017, pending, without any action, the present petition came to be filed, seeking a writ of mandamus, directing the authorities to expedite the process and to issue passport, accordingly.

2. The learned Counsel for the petitioner contended that the second respondent is keeping his passport application pending, stating that there is an adverse police report. It is the specific case of the petitioner that a civil dispute is pending among his family members and he has not involved in any criminal case.



Despite the petitioner explained all these facts before the authorities, his passport application is kept pending and aggrieved over the same, the petitioner is before this Court.

3. Upon notice, the learned Counsel for the second respondent has filed a detailed counter affidavit, wherein, it has been specifically stated that on an earlier occasion, on the passport application filed by the petitioner on 29.12.2015, based on the police verification report, he was served with a show cause notice dated 04.03.2016, seeking proper explanation regarding the circumstances, under which the particulars regarding certain criminal case came to be suppressed by the petitioner. A reminder dated 21.10.2016 came to be issued, for which, no reply was received. Hence, the second respondent was forced to close the earlier application dated 29.12.2015.

4. Subsequently, the petitioner has now filed the present application for consideration. It is the specific allegation of the second respondent that the petitioner has not responded to the notice seeking explanation regarding the circumstances relating to suppression. Till date, the petitioner has not filed any reply or appeared before the authorities connected thereon. Under such circumstances, the petitioner's application has not been considered.

5. I have heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

6. Considering the facts and circumstances of the case, to give a quietus, this Court is inclined to direct the petitioner to appear before the second respondent on 04.12.2017, with all the documentary evidence as well as reply to the show cause notice, if any. On such appearance, the second respondent shall consider the same, on merits and take a decision thereon, forthwith.

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

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of India,
Ministry of External Affairs,



2. Regional Passport Officer,
Regional Passport Office,
The Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

+1cc to Mr.Ashok Kumar Ram, Advocate Sr.No.87269

+1cc to Mr.A.Haja Mohideen, Advocate Sr.No.87434

GK

VB/SKN/RSK/SAR2/22/11/2017/3P/5C

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