



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.22495 of 2017

Deepak Nagadurai

... Petitioner

Vs.

1.The Consular,
Passport and Visa Division,
Ministry of External affairs,
Hudco, Trikoot-3, Bhikaji Cama Place,
R.K.Puram, New Delhi-110 066.

2.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to accept the petitioner's birth certificate issued as per the order passed by the learned Judicial Magistrate, Vallioor in Cr.M.P.No.1126 of 2015 dated 14.02.2015 and to issue Passport to him by considering his representation dated 19.08.2017.

For Petitioner	: Mr. R.Balakrishnan
For R1 & R2	: Mr.C.Nandagopal
For R3	: Mr. M. Alagathevan
	Spl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to accept the petitioner's birth certificate issued as per the order passed by the learned Judicial Magistrate, Vallioor in Cr.M.P.No.1126 of 2015 dated 14.02.2015 and to issue a Passport to him by considering his representation dated 19.08.2017.

2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for R3 and Mr.C.Nandagopal, learned counsel for R1 & R2. By consent, the writ petition is taken up for final disposal at the stage of admission itself.



3. The case of the petitioner is that based on the birth certificate issued by the 3rd respondent, pursuant to the order passed by the learned Judicial Magistrate, Vallioor, the petitioner applied for a passport, which was taken on file in MD206863115. However, the said application has been kept pending on the ground that the birth certificate produced by the petitioner is a fake one and the petitioner submitted a representation dated 19.08.2017 to the respondents 1 & 2 along with suitable explanation and also appeared for enquiry. Since no steps have been taken to process the application and issue a passport, the petitioner is before this Court with the above prayer.

4. The learned Standing Counsel appearing for the respondents 1 & 2 would submit that if a reasonable time is granted to the respondents, the application/representation of the petitioner will be considered and appropriate orders be passed.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents 1 & 2 to consider the application/representation of the petitioner dated 19.08.2017 and take a decision with regard to issuance of passport on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

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

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To:

The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+One cc to M/s.R.Balakrishnan, Advocate, SR.No.91760

+One cc to The Special Government Pleader, SR.No.91975

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RL/4C/2P/SKN/RSK/SAR1/21/12/2017

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