



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No.13974 of 2016

C.Mohandhas

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ulaveethi,
Race Course Road,
Madurai - 625 002.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the respondent to return the Passport of the petitioner bearing Passport No.H6829396 based on his representation, dated 28.04.2016 and the order passed in CrI.O.P(MD)No.5709/14, dated 10.04.2014 within the time limit that may be stipulated by this Honourable Court.

For Petitioner : Mr.G.Thalaimutharasu

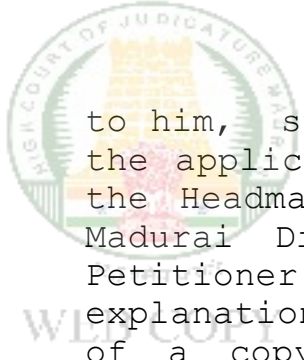
For Respondent : Mr.D.Saravanan.

ORDER

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. According to the Petitioner, on 16.04.2009, he projected an application before the Respondent/Regional Passport Officer, Madurai, seeking for issuance of new Passport through an Agent, namely Mr.Dakshinamoorthy under 'Tatkal' scheme and signed the relevant Application Forms. After scrutinizing his application as well as the supporting Documents, the Respondent/Regional Passport Officer, Madurai, had issued him the Passport bearing No.H 6829396 on 03.08.2009. After obtaining passport, he went to Colombo on a business trip and on completion of his business transactions, he returned back to India. Thereafter, on 30.10.2009, the Respondent/Regional Passport Officer, Madurai, had issued a notice



to him, stating that the Transfer Certificate enclosed along with the application in support of his date of birth, was referred to the Headmaster Government Higher Secondary School, Manappacheri, Madurai District and it is a forged one. Therefore, the Petitioner was directed to surrender his Passport along with his explanation, within a period of ten days from the date of receipt of a copy of that order. Further, in order to prove his genuineness, he surrendered his passport with covering letter, on 12.11.2009.

4. The stand of the Petitioner is that on 12.03.2013, the Respondent had lodged a complaint against him before the Commissioner of Police, Madurai and the same was taken on file before the Inspector of Police, S.S.Colony Police Station, Madurai, in Crime No.209 of 2013 in respect of an offence under Section 12(1-A) of the Passport Act, 1967. Later, he projected an anticipatory bail application before this Court in Crl.O.P(MD) No.4749 of 2013 and the same was granted on 20.03.2013. Consequently, he appeared before the Inspector of Police, S.S.Colony Police Station, Madurai and explained him that the Transfer Certificate was not furnished by him together with the application, but, his Agent only created and furnished his forged Certificate without his knowledge. When that be the factual situation, the Petitioner filed a petition to quash the F.I.R in Crime No.209 of 2013 in Crl.O.P(MD)No.5709 of 2014 before this Court and this Court had quashed the F.I.R on 10.04.2014. The relevant portion of the order runs as under:

"In view of the above circumstances, this Court is of the view that it is barred by limitation and considering the trivial nature of the offence and taking into consideration the fact that there is no proof to show that the documents submitted is false and for all the reasons stated above, the Criminal Original Petition is allowed and the First Information Report in Crime No.209 of 2013, dated 12.03.2013 on the file of the 1st respondent stands quashed. Consequently, connected miscellaneous petition is closed."

5. The prime plea taken on behalf of the Petitioner before this Court, is that the criminal case foisted against him was quashed by this Court in Crl.O.P(MD)No.5709 of 2014, vide order, dated 10.04.2014 and till date, the Respondent/Regional Passport Officer, Madurai, has not come forward to return his Passport for the reasons best known to him. He made a detailed representation to the Respondent on 28.04.2016, seeking to return back his Passport, in view of the order passed by this Court in Crl.O.P(MD) No.5709 of 2014, dated 10.04.2014. Even after receipt of the same, the Respondent/Regional Passport Officer, Madurai, has not taken any steps to return the Passport in question. Hence, he has

filed the present Writ Petition before this Court.

6. It is not in dispute that the F.I.R in Crime No.209 of 2013 registered against the Petitioner was quashed by this Court in terms of the order, dated 10.04.2014 in Crl.O.P(MD)No.5709 of 2014. Also it comes to light that the Petitioner has made a detailed representation before the Respondent on 28.04.2016, wherein he had prayed for return of his Passport as per the order passed in the aforesaid Criminal Original Petition. Even after receipt of the representation of the Petitioner, dated 28.04.2016, the Respondent/Regional Passport Officer, Madurai, till date has not considered the Petitioner's representation one way or other. Admittedly, the said representation of the Petitioner, dated 28.04.2016, is pending before the Respondent, without any disposal or progress in the subject matter in issue.

7. Considering the fact that the Petitioner's representation is pending on the file of the Respondent/Regional Passport Officer, Madurai, at this stage, this Court taking note of the fact that in Crl.O.P(MD)No.5709 of 2014, vide order dated, 10.04.2014, this Court had quashed the F.I.R, registered against the Petitioner and also bearing in mind the entire conspectus of the attendant facts and circumstances of the instant case in an integral fashion, simpliciter, to secure the ends of justice, directs the Respondent/Regional Passport Officer, Madurai, to look into the representation of the Petitioner, dated 28.04.2016, within a period of one week from the date of receipt of a copy of this order. Thereafter, the Respondent/Regional Passport Officer, Madurai, is to pass necessary speaking orders on merits (especially outlining the process of reasoning in a qualitative and quantitative manner) after following the Principles of Natural Justice in true letter and spirit, by issuing necessary notice to the petitioner and others concerned. It is open to the Petitioner to submit any other copy of the relevant document/record before the Respondent/Regional Passport Officer, Madurai and in case if the Petitioner submits the same, it is incumbent on the part of the Respondent/Regional Passport Officer, Madurai, to look into the same and pass necessary orders on the representation of the Petitioner, dated 28.04.2016, within the time determined by this Court, as stated supra. Also, the Petitioner is directed to render his assistance and unstinted co-operation to the Respondent, so as to proceed further in this matter and do the needful in the subject matter in issue, within the time stipulated by this Court.

With the above direction(s)/observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/



To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ulaveethi,
Race Course Road,
Madurai - 625 002.

+1cc to M/S.D.SARAVANAN,ADVOCATE SR NO: 42333

+1cc to M/S.G.THALAIMUTHARASU,ADVOCATE SR NO:42139

pm

JA-DB-11.08.2016/4P:4C

W.P (MD) No.13974 of 2016
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