



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.5121 of 2017

J.Saleem Malik

... Petitioner

Vs.

The Regional Passport Officer,
Ministry of External Affairs,
Government of India,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent in his proceedings Nil dated 22.02.2016 and quash the same as illegal and consequential to direct the respondent to return the passport No.H8128803 issued on 24.12.2009.

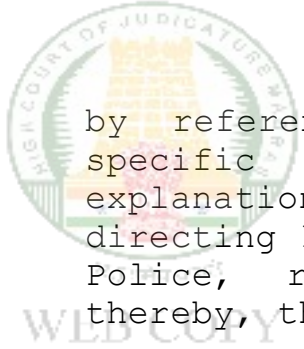
For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.N.Shanmugaselvam

O R D E R

This writ petition has been filed, seeking to quash the impugned order passed by the respondent and to direct the respondent to return his passport No.H8128803 issued on 24.12.2009.

2. It is the case of the petitioner that he lost his emergency certificate issued by the Indian embassy at Madurai, pursuant to which, he preferred a complaint before the Inspector of Police, Jaihindpuram, Madurai. Thereafter, the police has issued non-traceable certificate, as if, the petitioner lost his original passport, instead of issuing Non-Traceable Certificate relating to loss of Emergency Certificate. However, the petitioner submitted a fresh application along with non-traceable certificate, for issuance of new passport, based on which, new passport No.H8128803 was issued to him on 24.12.2009. After five years, the authorities impounded his passport on 07.09.2015, alleging that his name was mentioned in the loss of passport list



by reference No.ICR/10085160/12 dated 02.01.2012. It is his specific contention that though he submitted his detailed explanation, the present impugned order came to be passed, directing him to furnish a complaint letter from the Inspector of Police, regarding loss of Emergency Certificate. Aggrieved thereby, the petitioner is before this Court.

3. Heard both sides and perused the materials available on record.

4. It is seen from the records that originally, the petitioner lost the Emergency Certificate issued to him and thus, he applied for the Non-Traceable Certificate relating to loss of Emergency Certificate, however, he was issued with a Certificate with regard to loss of Passport and thereafter, he applied for a new passport. Meanwhile, his new passport was impounded as his name got figured in Loss of Passport and therefore, directed him to approach the respondent for further necessary action.

5. After some arguments, the learned Counsel appearing for the petitioner is inclined to submit a copy of Non-Traceable Certificate relating to loss of Emergency Certificate from the Inspector of Police concerned to the respondent and hence, prays for appropriate orders.

6. Considering the facts and circumstances of the case, to give a quietus, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit a copy of Non-Traceable Certificate relating to loss of Emergency Certificate from the Inspector of Police concerned to the respondent within a period of two weeks from the date of receipt of a copy of this order and on such filing, the respondent shall consider the claim of the petitioner for issuance of passport and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of six weeks therefrom.

7. Accordingly, this writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



To

The Regional Passport Officer,
Ministry of External Affairs,
Government of India,
Madurai.

+ 1 cc TO Mr.V.P.Rajan , Advocate in SR No. 91740
+ 1 cc TO Mr.N.Shanmugaselvam , Advocate in SR No. 91593

rm

AE/SKN RSK/SAR4/22.12.2017/3P/4C

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