



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD) No.22154 of 2016

WEB COPY

Bhoominathan

: Petitioner

Vs.

Regional Passport Officer,
Municipal Water Tank Building,
Melapulivar Road,
Tiruchirapalli - 620 008.

: Respondent

Prayer : This Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 03.11.2016.

For Petitioner : Mr.A.Anandan

For Respondent : Mr.S.Srimathy

Central Government Standing Counsel

O R D E R

This writ petition has been filed by the petitioner to direct the respondent to consider his representation, dated 03.11.2016.

2. According to the petitioner, he is a business man and for his business purpose, he frequently travel to abroad, for which, he obtained passport in the year 2006. His passport number is F7391372. It appears that the petitioner had travelled abroad by using passport bearing No.E9094876 and in respect of the same, a criminal case was registered in Crime No.117 of 2016 and in pursuant to the same, his original passport No.F7391372 was seized. The said criminal case was taken on file in C.C.No.106 of 2014 before the learned Judicial Magistrate No.6, Trichy and the judgment was delivered through Lok Adalat and the petitioner has also paid the fine amount.

3. In these circumstances, the officials concerned have seized the passport of the petitioner and in this connection the petitioner filed a criminal revision before the III Additional District Judge, Trichy. The learned III Additional District Judge directed the petitioner to submit the passport bearing No.E9094876. The petitioner also complied the same. Thereafter, the Court has sent both the passport to the respondent for the purpose of verification and the respondent has submitted a report. Even thereafter, the respondent failed to return the petitioner's



originally passport. In this connection, the petitioner has given various representations before the respondent for issuance of original passport to him. Since no action has been taken by the respondent, the petitioner approached this Court.

4. When this matter is taken up for hearing, it is represented by the learned counsel for the petitioner that in the criminal case where the petitioner was convicted and paid fine and the passport, which was surrendered, was not returned. This issue was taken up along with the revision filed by the petitioner before the learned III Additional District Judge, Trichy. However, while dismissing the revision petition, the learned III Additional District Judge, has found that the trial Court has correctly dismissed the application to return the passport and hence, there is no necessity to interfere with the order of the trial court.

5. In such view of the matter, the present writ petition seeking the issuance of a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 03.11.2016 would not arise at all and the same is not maintainable and therefore, the Writ Petition is dismissed. It is always open to the petitioner to pursue his remedy in a manner known to law for re-issuance of passport with the authorities concerned or seek the intervention of the criminal court for return of the passport which was seized by the criminal court. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

Regional Passport Officer,
Municipal Water Tank Building,
Melapulivar Road,
Tiruchirapalli - 620 008.

+1cc to M/S.S.SRIMATHY, Advocate SR.No.17409

W.P. (MD) No.22154 of 2016
23.03.2017

JM/SKN RSK/SAR 3/21.04.2017/2P/3C