

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P. No.21546 of 2018 and
W.M.P. No.25299 of 2018

Mannamu Sreemannarayana

... Petitioner

Vs

1. The Ministry of External Affairs
Represented by
The Secretary to Government of India
Consular, Passport & Visa Division,
Patiala House, India Gate, New Delhi,
Delhi - 110 001.
 2. The Regional Passport Officer,
Office of the Regional Passport Officer,
Near P.F. Office, Beside Rythu Bazar,
Marripalem, VUDA Lay out, NAD Post,
Visakhapatnam,
Andhra Pradesh - 530 009.
 3. The High Commission of India, Singapore,
Represented by
Attache (Passport),
31, Grange Road, Singapore - 239 702.
 4. The State of Tamil Nadu,
Represented by
The Inspector of Police,
CCB-II,
Office of the Commissioner of Police,
Vepery, Chennai - 600 008.
 5. The Consulate General of Malaysia,
No.7, Old No.3, Cenotaph Road,
Seethammal Extension, Teynampet,
Chennai - 600 018.
 6. The Consulate-General of the Republic of Singapore,
17-A, North Boag Road,
T.Nagar, Chennai - 600 017.
- ... Respondents

(Respondents 3, 5 and 6 are struck off vide
order of this Court dated 23.08.2018)

Petition filed under Article 226 of the Constitution of
India to issue a Writ of Mandamus to direct the 4th respondent
to issue the certified attested copy of the petitioner's

original passport bearing No.L-0070417, for processing the application of the petitioner dated 12.07.2018 in ARN No.18-1007068695, after obtaining necessary orders from the 1st respondent and consequentially direct the 2nd respondent to issue a fresh passport by mentioning the existing passport No.L-0070417 in accordance with law, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Ms.K.Subashini for
M/s.Chennai Law Asso.

For R1 and R2 : Mr.S.Makesh
Standing Counsel for
the Central Government

For R4 : Mr.C.Raghavan
Government Advocate

O R D E R

The petitioner is an Indian citizen and was issued with Indian Passport bearing No.E-6990229 by the Regional Passport Officer, Visakhapatnam, Andhra Pradesh, since the petitioner was residing at No.05-174, Ponduru Post, Tangatur Mandal, Prakasam District, Andhra Pradesh. The petitioner got employment in Singapore in the year 2005 and since then, he has been working there. He has also been given the Permanent Residence (PR) status by the Republic of Singapore, on 30.10.2008, vide Identity Card No.S-8061822J. When the period of his Indian passport was about to expire, he sought renewal of the passport from the Indian Embassy and accordingly, a fresh passport bearing No.L0070417 dated 19.04.2013, valid upto 18.04.2023, was issued to him.

2. The petitioner came to India on 15.06.2018 and at the Immigration counter, the officials noticed certain irregularities in his passport, viz. usage of adhesive substances in Page Number 5, Page Number 15 and Page Number 17 and addition of pages in the passport. Suspecting the petitioner, the Immigration officials handed him over to the Central Crime Branch, along with a complaint for necessary action. Based on the complaint given by the Assistant Foreigners Regional Registration Officer, Bureau of Immigration, Chennai Airport, the Central Crime Branch registered a case in Crime No.96 of 2018 on 15.06.2018 under Sections 12(1)(b) of Passport Act, 1967 and under Sections 420, 468 and 471 IPC and the petitioner was arrested and remanded to custody. The Indian Passport of the petitioner had been submitted to the learned Judicial Magistrate, Alandur. The petitioner was released on bail by the learned Judicial Magistrate, Alandur on 22.06.2018. Now the petitioner is stuck in India and he wants to go back to Singapore and report to duty, lest he will lose his job for good.

3. Heard the learned counsel for the petitioner, learned Central Government Standing Counsel for the 1st and 2nd respondents and the learned Government Advocate appearing for the 4th respondent police.

4. The learned counsel for the petitioner submitted that while the petitioner was in Singapore, he wanted a Malaysian Visa and hence, he handed over his Indian passport to one Mustafa of M/s. Mustafa Travels, to arrange a Malaysian Visa for him. The petitioner also went to Malaysia, but, at that time, he did not notice any tampering in his passport. Thereafter, when the petitioner came to India, as stated above, he was intercepted by the Immigration authorities and he also told them that he had given his passport to the said Mustafa for obtaining Malaysian Visa and he was not aware that his passport was tampered. This statement of the petitioner finds place in the complaint given by the Assistant Foreigners Regional Registration Officer, Bureau of Immigration, Chennai Airport, which formed the basis of registration of the case in Crime No.96 of 2018.

5. The learned counsel for the petitioner submitted that when the petitioner approached the Regional Passport Officer, Visakhapatnam, Andhra Pradesh, for a fresh passport, he was informed by the authorities that he should have to apply for reissue of his passport and he should submit his old passport or inter alia a certified copy of it. Under such circumstances, the petitioner is before this Court with the above prayer.

6. The petitioner appears to be innocent and a victim of circumstances. Be that as it may, according to the petitioner, the tampering was done by Mustafa in Singapore, about which, he was not aware and that is why, he came to India oblivious of such tampering and produced the passport to the Immigration authorities, innocently. Though this Court is able to appreciate the innocence of the petitioner, yet, this Court cannot issue any direction to the passport authorities to issue him with a fresh passport.

7. However, this Court directs the learned Judicial Magistrate, Alandur, to take a photocopy of the petitioner's passport bearing No.L0070417 and after certifying the same, send the certified copy of the passport to the Regional Passport Officer, Visakhapatnam, Andhra Pradesh, the 2nd respondent herein, through Speed Post with Acknowledgment Due. Thereafter, it is for the petitioner to work out his remedy before the 2nd respondent, in accordance with law. The 4th respondent police is directed to complete the investigation in Crime No.96 of 2018 within three months from the date of receipt of a copy of this order and either file a closure report or a charge sheet as the case may be. If there is any procedure for compounding of the said offence, the authorities may sympathetically consider the same.

With the above observation, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of India
Consular, Passport & Visa Division,
Patiala House, India Gate, New Delhi,
Delhi - 110 001.
2. The Regional Passport Officer,
Office of the Regional Passport Officer,
Near P.F. Office, Beside Rythu Bazar,
Marripalem, VUDA Lay out, NAD Post,
Visakhapatnam, Andhra Pradesh - 530 009.
3. The Inspector of Police,
CCB-II,
Office of the Commissioner of Police,
Vepery, Chennai - 600 008.
4. The Judicial Magistrate,
Alandur.
5. The Public Prosecutor,
High Court, Madras.

+5cc to M/s.Chennai Law Asso. Advocates SR.NO.59356
+1cc to Mr.S.Makesh, Advocate SR.NO.59208

BR(CO)
sm:31.8.2018

W.P. No.21546 of 2018