



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.3921 of 2018

Nachiappan Shanmugam

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Superintendent of Police,
C.B.C.I.D. OCW II Ernakulam,
Kerala.

... Respondents

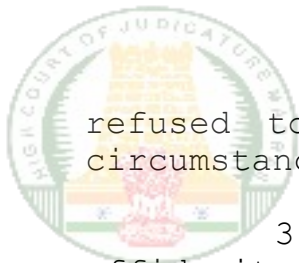
Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus to direct the first respondent to issue Indian passport to the petitioner at the earliest.

For Petitioner	: Mr.K.P.Narayanakumar
For R1	: Mr.V.Kathirvelu Assistant Solicitor General assisted by Mr.P.Paulpandi
For R2	: Mr.Aayiram K.Selvakumar Additional Government Pleader

ORDER

This writ petition has been filed, seeking direction to the first respondent to issue passport to the petitioner.

2.According to the petitioner, he was issued with a passport by the Chennai Passport Office. Subsequently, he lost his original passport, while he was residing at Chennai. Then, he applied for duplicate passport in Chennai Passport Office, which is pending. After filing the above application, the petitioner did not follow the same due to sickness of his wife. Thereafter, he shifted his residence to Sivagangai, which is his native place. Subsequently, in the month of January, 2017, he has filed a fresh application before the first respondent for issuance of a new passport. After receipt of the application, the first respondent has raised a query in respect of the case pending against the petitioner before the Superintendent of Police, CBCID OCW-II, Ernakulam, and



refused to issue new passport to the petitioner. In the above circumstances, this writ petition has been filed.

3.The first respondent has filed a detailed counter affidavit stating that the petitioner has already obtained a passport from the Regional Passport Office, Chennai in the year 1997. Thereafter, his passport was reissued on 21.01.2007 by the Consulate General of India in Dubai. Then the petitioner has made an application for re-issuance of passport before the Regional Passport Office, Chennai on the ground that he had lost his passport, issued by Consulate General of India, Dubai. When the said application is pending, the petitioner has now filed another application before the first respondent for issuance of a new passport, after changing his personal particulars viz., date of birth, place of birth and his spouse name. It is further stated in the counter affidavit that on 27.12.2014, the Superintendent of Police, Crime Branch, CID, OCW-II, Ernakulam has sent an e-mail to the Regional Passport Office, Cochin seeking for some details of the petitioner for conducting confidential enquiry regarding a criminal case pending against the petitioner in UAE. Since the petitioner has suppressed the previous passport issued to him and also the re-issuance of passport, he violates section 12(1)(b) of the Indian Passports Act, 1967. In the above circumstances, a show-cause notice has been issued to the petitioner on 16.02.2017, seeking explanation. But the petitioner did not offer his explanation for the application submitted by him in the office of the first respondent. Further it is stated that if the petitioner submits proper explanation along with relevant documentary evidence for the show cause notice, the petitioner's application will be processed after receipt of the reply from the Inspector General of Police, HHW CSO, Trivandrum.

4.Considering the fact that already a show cause notice has been issued to the petitioner and the first respondent also stated that in the event of the petitioner submits his explanation along with relevant documents, the first respondent is ready to consider the petitioner's application, without going into the merits of the case, the petitioner is directed to appear before the first respondent and submit his explanation as required by the first respondent. In the event of the petitioner, submitting proper explanation, the first respondent is directed to consider the petitioner's explanation and pass suitable orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Superintendent of Police,
C.B.C.I.D. OCW II Ernakulam,
Kerala.

+1CC to Mr.K.P.Narayana Kumar, Advocate, SR.No. 55176

+1CC to Mr.P.Paulpandi, Advocate, SR.No. 55591

+1CC to the Special Government Pleader SR.No.55663

WP (MD) No.3921 of 2018

mj

AM/KK/SAR 4/04.04.2018/3P/6C