



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.11.2018

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P (MD) No.22679 of 2018

R.Pongalaban

..Petitioner

/Vs./

The Regional Passport Officer,
O/o.Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002,
Tamil Nadu.

..Respondent

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to re-issue the passport of the petitioner bearing an application reference No.18-1006506673 dated 28.06.2018 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

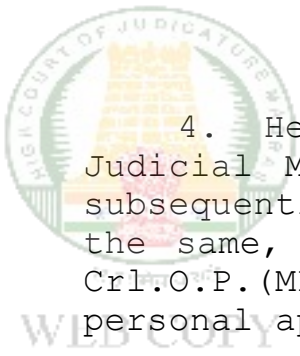
For Respondent : Mr.P.Vambadian,
Central Government Standing Counsel

ORDER

This writ petition has been filed seeking a writ of Mandamus, to direct the respondent to re-issue the passport of the petitioner bearing an application reference No.18-1006506673 dated 28.06.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Central Government Standing Counsel appearing for the respondent.

3. According to the petitioner, the petitioner is working as a Design Engineer in Avnet India Private Limited, Bangalore. Due to his work, he is temporarily residing in Bangalore. His passport number is F0666394, which was issued on 23.09.2004 and expired on 22.09.2014. Due to his official inconvenience, he failed to apply for renewal, before it got expired. When he wanted to go abroad, he came to know that his passport got expired and he applied for re-issuance of passport in reference no.18-1006506673.



4. He would submit that a criminal case is pending before the Judicial Magistrate No.II, Nagercoil, in C.C.No.108 of 2016 and subsequently, he filed a quash petition before this Court against the same, which is pending in CrI.O.P.(MD)No.18048 of 2016. In CrI.O.P.(MD)No.18048 of 2016, this Court only dispensed with the personal appearance of the petitioner.

5. He would further submit that the order of this Court makes him to get re-issuance of passport. The respondent is duty bound to re-issue the passport to the petitioner. But, the respondent had not taken any steps for re-issuing the passport. Therefore, he sent a representation to the respondent on 15.09.2018 to consider the application of the petitioner in reference no.18-1006506673 dated 28.06.2018. Since it was not considered, this writ petition came to be filed.

6. The learned counsel appearing for the respondent filed a counter affidavit stating that the petitioner had obtained a passport, which was expired on 22.09.2014, from the Regional Passport Office, Trichy, declaring his date of birth as 09.05.1981 and the place of birth as Nagercoil in his passport. While checking the records through the system, it is found that the petitioner has not applied for re-issuance of passport in the jurisdiction limit of the Regional Passport Office, Madurai. The petitioner has also not mentioned the application reference number for re-issuing the passport, if any submitted by him at Passport Seva Kendra.

7. It is also seen from the counter affidavit that if the petitioner submits his application for re-issuance of passport under the jurisdiction limit of his present address, mentioning correct particulars in the passport application, the same will be processed on pre-police verification reports basis and in accordance with the provisions of the Indian Passports Act, 1967.

8. The learned counsel appearing for the petitioner also contended that he has also submitted his application for re-issuance of passport, which is found in the typed set of papers and the relevant documents have already been submitted to the respondent. So, the respondent ought to have considered the same and pass an order either accepting or rejecting it. But, he did not do so. Hence, he approached this Court.

9. Considering the submissions made by the learned counsel appearing for the petitioner that the relevant documents have already been submitted by him, it is left open to the authorities concerned to process the passport application and pass orders considering the materials available before them, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



10. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-III)

To

The Regional Passport Officer,
O/o.Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002,
Tamil Nadu.

+1cc to Mr.T.Lajapathi Roy, Advocate, Sr.No.95735.
+2cc to Mr.P.Vambadian, Advocate, Sr.No.95681.

W.P(MD)No.22679 of 2018

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RAM-ES/RSK/SAR 3/26.12.2018/3P/5C