

HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No. 11925 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Assistant Solicitor General appearing for the respondents 1 and 2.

2. The prayer sought in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue any appropriate writ, order or direction more particularly in the nature of writ of mandamus, declaring the action of the respondent No.2 in not taking action on the complaints made by the petitioner dated 18.06.2014, 10.02.2015 and 23.02.2015, as illegal, arbitrary, and consequently direct the respondent No.3 to take action on the complaints made by the petitioner forthwith and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.”

3. The main grievance of the petitioner is that the second respondent is not taking action in spite of lodging complaints dated 18.06.2014, 10.02.2015 and 23.02.2015 against the third respondent on the ground that the third respondent obtained passport for filing a false affidavit in Form Annexure – D by forging his signatures stating that they are married. She also affixed a morphed joint photograph along with the affidavit.

4. Learned counsel appearing for the petitioner contended that as per Section 12 (1)(b) of the Passports Act, whoever knowingly furnishes any false information or suppresses any material information with a view to obtaining a passport or travel document under this Act or without lawful authority alters or attempts to alter

or causes to alter the entries made in a passport or travel document; shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

5. Therefore, in the case on hand, since the third respondent has resorted to various irregularities and illegalities as stated supra, the second respondent is liable to take action against the third respondent.

6. Per contra, the learned Assistant Solicitor General appearing for the respondents 1 and 2 placed on record the written instructions issued by the second respondent, dated 03.12.2018 stating that pursuant to the application dated 28.10.2014 of the petitioner under the R.T.I Act, he was intimated that no action to impound the passport of the third respondent has been taken. Since, there is no specific provision under the Act enabling him to pass such an order, the passport authority can impound/ revoke the passport on a specific order by a competent Court.

7. Having heard both the learned counsel and from the perusal of the material on record, the grievance of the petitioner is that in the light of the allegations made by him in the complaint, no action has been taken. A perusal of the provision under Section 12(1)(b) of the Passport Act, It is evident that the second respondent is enjoined with duty to take action against a complaint relating to giving of false information or suppressing any material information leading to obtaining a passport, is entitled to take penal action against the concerned person. If that being so, when a specific

allegation is made by the petitioner by giving representations, the second respondent is duty bound to consider the same and pass appropriate orders.

8. Under these circumstances, this Court is inclined to direct the second respondent to consider the complaints, dated 18.06.2014, 10.02.2015 and 23.02.2015 submitted by the petitioner and pass appropriate orders, as per law, within a period of three months from the date of receipt of a copy of this order.

9. With the above said observation, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

Date:05.12.2018
ccm



P. KESHA VA RAO, J

HON'BLE SRI JUSTICE P. KESAVA RAO



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ccm