

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No.3921 of 2018

S.Selvam

..Petitioner

vs

The Regional Passport Officer,
Office of The Regional Passport Officer,
Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road, Coimbatore - 641 018. .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the Respondent dated 24.03.2017 in letter Ref. No.FCL/305253691/17 and quash the same and consequently direct the Respondent to forthwith issue the Passport to the Petitioner based on his Application dated 31.01.2017.

For Petitioner : Mr. K.Selvaraj

For Respondent : Mr.T.V.Krishnamachari,
Senior Panel Counsel

ORDER
सत्यमेव जयते

This Court during the earlier hearing on 10.06.2019 has passed the following order:

"The Learned Counsel for the Petitioner submits that before passing the impugned order, the Petitioner was required to pay a sum of Rs.5,000/- as penalty for considering his application. Though the Petitioner was prepared to pay the same, the Respondent had not received it and instead issued the impugned order and treated the file as closed. The Respondent had directed the Petitioner to file an application after the criminal case was over. The Counter

Affidavit does state anything regarding the penalty, which the Petitioner was prepared to pay. The Respondent shall appear and specifically inform as to whether the Petitioner can pay the penalty at this stage for re-opening the application for passport.

Post the matter on 24.06.2019"

2. In furtherance to the aforesaid order, Mr. S. Hemanathan, Assistant Passport Officer, Coimbatore is present today and he has also filed a memo dated 24.06.2019, in which it has been stated as follows:

"I humbly submit that the petitioner application has been closed under the Passport Act 1967, Rule 10 (3) (b) due to adverse Police report received from the Superintendent of Police, Namakkal District vide File No.CB1069937447517 dated 27.2.2017. Once a file has been closed, we could not open the same file again in Passport Seva Project (PSP). The Petitioner is advised to submit a fresh Passport Application form by quoting the closed file details with necessary documents and penalty fee of Rs.5,000/-. We will refer the particulars to the Superintendent of Police, Namakkal to ascertain the stage of the case and also to get No objection for granting Passport facilities to the Petitioner. On receipt of clear Police verification report from the Superintendent of Police, Namakkal, the Passport will be issued to the Petitioner under the Passport Act, 1967."

Recording the aforesaid memo filed by the Respondent, it is left open to the Petitioner to make a fresh Application for Passport and the Respondent shall consider the same in accordance with law as stated in the aforesaid memo.

3. The Learned Counsel for the Petitioner states that the Petitioner will appear before the Respondent for making a fresh application on 03.07.2019 and the said statement is recorded.

4. The Writ Petition is disposed with the aforesaid terms. No costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

rkp

To

The Regional Passport Officer,
Office of The Regional Passport Officer,
Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road, Coimbatore - 641 018.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.52145

+1cc to T.V.Krishnamachari, Advocate, S.R.No.52146

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PA (CO)

RRS (27/06/2019)



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