

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27428 of 2016

P.R.Vasudevan

.. Petitioner

Vs.

The Regional Passport Officer,
Shasthri Bhavan,
No.26, Haddows Office, Chennai.
Respondent ..

* * *

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent to issue passport to the petitioner on the basis of the petitioner's representation dated 18.07.2016.

* * *

For Petitioner : Mr.V.Subramanian

For Respondent : Mr.A.Murugan,
Central Govt. Standing Counsel

O R D E R

Seeking a direction to the respondent to issue him a passport by considering his representation dated 18.07.2016, the petitioner is before this Court.

2. The petitioner had submitted the application dated 24.06.2009 seeking issuance of passport. The respondent issued the proceedings in No.MASB02059809, on 30.06.2009 seeking explanation in the form of sworn affidavit as to under what circumstances he suppressed the filing of an earlier application. Though the petitioner claimed to have replied to the said notice, the petitioner himself admitted that there is no copy of the said reply available with him. In such circumstances, he sent a representation to the respondent on 18.07.2016 seeking to issue passport enabling him to travel abroad for medical treatment.

3. Learned counsel for the petitioner submitted that the petitioner has submitted the sworn affidavit, as required to be filed by the respondent, in spite of which, he was not issued with the new passport. Since the petitioner wants to take treatment at Singapore, the respondent may be directed to consider his representation.

4. Heard the learned Central Government Standing Counsel on the above submissions. It is his submission that since a First Information Report is pending against the petitioner, the passport was not issued to him.

5. Admittedly, the application was made in the year 2009 under the Tatkal scheme. It appears that immediately on 30.06.2009, the respondent had called for an explanation from the petitioner. Though it is stated that he sent a reply by post, there is no material placed before this Court for the same. Further, though learned Central Government Standing Counsel for the respondent contended that there is a FIR pending against the writ petitioner, neither the petitioner nor the respondent has furnished the details of the same.

6. Now the relief sought for by the petitioner is to issue a passport based on his application dated 24.06.2009 followed by the representation dated 18.07.2016. Though the writ petition is of the year 2016, the petitioner has not filed any particulars about the earlier application made by him in the year 2007 and also about the FIR, that is said to be pending against him. Similarly, the respondent also, despite several opportunities being granted, had not filed counter affidavit in this case disclosing the pending case details.

7. In such circumstances, the respondent is directed to consider the representation of the petitioner dated 18.07.2016 in the light of the Circular No.V.I/401/1/3/2014, dated 21.08.2014 and considering (i) the antecedents of the petitioner ; (ii) pendency of any FIR/criminal case ; (iii) the reasons for not pursuing the application from the year the year 2007. Once the respondent is subjectively satisfied about the fulfillment of the conditions for issuance of the passport or otherwise, it is open to him to pass appropriate orders on merits and in accordance with law. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

The Regional Passport Officer,
Shasthri Bhavan,
No.26, Haddows Office, Chennai.

+1cc to Mr. A.Murugan,, Advocate SR.No. 13324

+1cc to Mr. V.Subramanian, Advocate SR.No. 13599

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A.SK(07/03/2019)



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