

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.7255 of 2014

M/s.Devi Sri Mari Somasundaram,
D/o.Mr.Somasundaram,
No.135, 136, Kamaraj Street,
JAK Nagar,
Thirumullaivoyal,
Chennai - 600 062.

... Petitioner

Vs.

- 1.The Secretary to Government,
Government of India,
Ministry of External Affairs,
CPV Division, Patiala House Annexe,
Tilak Marg, New Delhi - 110 001.
- 2.The Regional Passport Officer,
Regional Passport Office, Tamil Nadu,
Ministry of External Affairs,
Government of India,
Rayala Towers No.2 & 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai - 600 002.
- 3.The Secretary to Government,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
- 4.The Commissioner of Police,
Passport Verification Division,
Office of the Commissioner of Police,
Egmore, Chennai - 600 008.
- 5.The Commissioner of Police,
Passport Verification Division,
Office of the Commissioner of Police,
Thiruchirappalli City.

6.The Superintendent of Police,
Nagapattinam District.

7.The Passport Officer,
Regional Passport Office,
Thiruchirappalli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS, directing the second respondent to dispose of the petitioner's passport application dated 21.05.2012 under file No.MA1061437457312 with in the time as stipulated by this Court.

For Petitioner : Mr.Yusuf for
M/s.Nathan & Associates

For R1, R2 & R7: Mr.J.Madana Gopal Rao
Central Government Standing Counsel

For R3 to R6 : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's passport application dated 21.05.2012 under file No.MA1061437457312 with in the time as stipulated by this Court.

2.The learned counsel appearing for the petitioner submitted that the petitioner made an application on 21.05.2012 to the second respondent, so far no order has been passed. Therefore, the petitioner filed the present writ petition before this Court.

3.The learned Central Government Standing Counsel appearing for the respondents submitted that the petitioner suppressed the material information in her passport application. The petitioner has already lodged a complaint dated 08.08.2012, with regard to fake passport issued in her name on 22.05.2002 bearing No.E 2008457 issued at Trichy and delivered at Nagapattinam. Further it is submitted that the petitioner came to know about the fake passport only when the petitioner applied for a new passport on 21.05.2012 before the passport authorities in Chennai. The said complaint has been preferred before the Sub-Inspector of Police, Central Crime Branch, Chennai and investigation is pending in the said complaint. Therefore, the petitioner's application will be decided on receipt of the

verification reports from the Central Crime Branch, Team XIX, Chennai and under the provisions of the Indian Passports Act, 1967.

4.The learned counsel for the petitioner would submit that the investigation has been completed and final report has been filed on 05.01.2017 before the Judicial Magistrate Court, Nagapattinam and the said final report has been filed before this Court along with the additional typed set of papers.

5.In view of the above said submissions of the parties, this Court is inclined to pass the following orders:

(i) The second respondent is directed to issue notice to the petitioner and asked the petitioner to produce the relevant documents before the second respondent along with the petitioner's application dated 21.05.2012;

(ii) On receipt of the said notice from the second respondent, the petitioner is directed to produce all the materials including the final report submitted before the Judicial Magistrate Court, Nagapattinam, within the time as prescribed by the second respondent; and

(iii) Thereafter, the second respondent is directed to consider the said application of the petitioner and pass orders on merits and in accordance with law within a period of eight weeks.

6.With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ah

To

- 1.The Secretary to Government,
Government of India,
Ministry of External Affairs,
CPV Division, Patiala House Annexe,
Tilak Marg,
New Delhi - 110 001.
 - 2.The Regional Passport Officer,
Regional Passport Office, Tamil Nadu,
Ministry of External Affairs,
Government of India,
Rayala Towers No.2 & 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai - 600 002.
 - 3.The Secretary to Government,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
 - 4.The Commissioner of Police,
Passport Verification Division,
Office of the Commissioner of Police,
Egmore, Chennai - 600 008.
 - 5.The Commissioner of Police,
Passport Verification Division,
Office of the Commissioner of Police,
Thiruchirappalli City.
 - 6.The Superintendent of Police,
Nagapattinam District.
 - 7.The Passport Officer,
Regional Passport Office, Thiruchirappalli.
 - 8.The Judicial Magistrate, Nagapattinam.
- +1 cc to M/s.Nathan & Associates, Advocate SR.No.32152
+1 cc to The Government Pleader, Sr.No.33457
+1 cc to M/s.J.Madanagopal Rao, Advocate Sr.No.32043

W.P. No.7255 of 2014

AD(CO)
CSL/11.04.2019