

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.01.2019
CORAM :
THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN
WRIT PETITION No.23156 of 2014

Ganesan Janakiraman

.. Petitioner

Vs.

The Regional Passport Officer
Office of the Regional Passport Officer
Chennai Rayala Towers
No.2 & 3, 4th floor
Old No.785, New No.158, Anna Salai
Chennai - 600 002.

..Respondent

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to issue passport to the petitioner.

For Petitioner : Mr.G.Rajan

For Respondent : Mr.Madanagopal Rao, SCGSC

O R D E R

The writ petition has been filed, seeking direction to the respondent to consider the petitioner's application for issuance of passport.

2.According to the petitioner earlier, he was issued with a passport by the respondent on 09.11.1999. The above said passport has got burnt in a fire accident at Thiruvannamalai on 25.01.2003. Hence, the petitioner applied for fresh passport on 09.08.2006, before the respondent. Thereafter, the petitioner was directed to pay a penalty of Rs.5,000/-, for suppressing the fact, that he had already issued with passport on 09.11.1999, the petitioner has also paid the penalty amount, even thereafter, the passport application of the petitioner was not considered by the respondent. Hence, the present writ petition.

3. In this regard, the respondent filed counter, stating that the petitioner was already issued with a passport on 09.11.1999, which was valid upto 08.11.2009. As suppressing the above fact, the petitioner filed a fresh application for issuance of passport before the respondent. Hence, action was taken and a penalty of Rs.5,000/- was imposed on the petitioner. Thereafter, the respondent received a information from the Vice-Counsel, Singapore Consulate, Chennai on 04.10.2001, stating that the petitioner's passport was tampered and replaced by changing the photograph with signature of another person and the said passport was used for traveling various countries, viz., Singapore, Malaysia, Srilanka, etc.,. Based on the above information, the matter was referred to the Inspector General of Police, Crime Branch-CID, Chennai, for discrete enquiry, to find out the involvement of the petitioner in tampering with the passport. The petitioner was also informed about the status of his application and so far the respondent did not received any reply from the police department. Further, the Superintendent of Police, SB CID-II, Chennai transferred the case to Superintendent of Police, Tiruvannamalai District to conduct discrete enquiry. Upon receiving the report from the Superintendent of Police, Tiruvannamalai District, the application for issuance of fresh passport of the petitioner will be considered by the respondent in accordance with law.

4. The learned counsel for the petitioner would submit, that even though, the matter was referred to the Superintendent of Police, Tiruvannamalai District, for discrete enquiry, regarding the involvement of the petitioner in tampering with the passport, in the year 2014, now nearly 4 years have been lapsed, there is no investigation and no action was taken by the police department. Hence, on the basis of the discrete enquiry, the respondent cannot refuse to issue fresh passport to the petitioner.

5. Mr. Madanagopal Rao, SCGSC, appearing for the respondent, per contra submitted that now it has been found out that the petitioner's passport has been misused, tampered with and used for traveling various countries. Therefore, the matter was referred to the police department and only after the conclusion of investigation, involvement of the petitioner will come to the light. Till then the petitioner's application for issuance of passport will not be considered.

6. Heard and considered the rival submissions.

7.On perusal of the record, as on today, there is no criminal case is pending as against the petitioner, even though it is alleged that the petitioner's passport has been misused and tampered with, for which the petitioner denied his involvement. However, a police enquiry is now pending regarding the misuse of passport. In such circumstances, the respondent cannot keep the petitioner in waiting for more than 4 years.

8.Therefore, the respondent is directed to consider the petitioner's application for issuance of passport, subject to the out come of the police report and pass suitable orders, within a period of six weeks from the date of receipt of a copy of this order, after giving due opportunity to the petitioner.

9.Accordingly, the writ petition stands disposed of. No costs.

Sd/--

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

Jer
To

The Regional Passport Officer
Office of the Regional Passport Officer
Chennai Rayala Towers
No.2 & 3, 4th floor
Old No.785, New No.158, Anna Salai
Chennai - 600 002.

+1cc to Mr.Madanagopal Rao , Advocate SR.No. 872

+1cc to Mr.Rajan , Advocate SR.No. 722

WRIT PETITION No.23156 of 2014

A.SK(20/02/2019)