

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.20232 OF 2019

AND

W.M.P.NOS.19633 & 19634 OF 2019

P.Ramesh

.. Petitioner

..Vs..

The Regional Passport Officer,
Regional Passport Office,
785/158 Anna Salai, Chennai-02.

..Respondent

PRAYER :

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the order of the respondent made in Letter Ref.No.SCN/307995473/18 dated 26.12.2018, to quash the same and to consequently direct the respondent to issue passport to the petitioner.

For Petitioner : Mr.L.Chandrakumar
For Respondent : M/s.C.Jayachithra for
Mr.Venkatasamy Babu
Standing Counsel.

O R D E R

During the hearing on 16.12.2019, it was stated by the learned counsel for the Respondent/Regional Passport Officer that orders have been passed on 01.03.2019. The learned counsel for the petitioner on that day expressed ignorance of the said order and specifically stated that a copy had not been served on the petitioner herein.

2.Heard, Mr.L. Chandrakumar learned counsel appearing for the petitioner and M/s.C. Jayachithra for Mr. Venkatasamy Babu learned Standing Counsel appearing for the respondent.

3. When the matter had been listed again today, the learned counsel for the respondent has stated that instructions were sought as to whether the order had been despatched, the date of despatch and the date of receipt by the petitioner from the

official records of the respondent. Unfortunately, the said information has not yet been obtained. Even otherwise, as against the said order dated 01.03.2019, an appeal has to be filed and the period of limitation is 30 days.

4. Taking into account, the fact that the petitioner is agitating her rights, it would only be appropriate that this Court, directs the petitioner to file a regular appeal as against the order dated 01.03.2019 before the concerned Appellate Authority on or before 15.01.2020, by taking the date 16.12.2019 as the date of service of the order on the counsel for the petitioner as service on the petitioner directly.

5. Grievance is expressed by the learned counsel for the respondent that if the petitioner had actually been served with the order dated 01.03.2019 on an earlier date, then the appeal would be barred by limitation by this time. However, since the appellate authority has no power to condone the delay, it is only appropriate that in these circumstances, this Court permits the petitioner herein to file an appeal on or before 15.01.2020 as indicated above and if it is so filed, the concerned Appellate Authority may take it on file and deal with the same on merits.

6. With these observations, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Regional Passport Officer,
Regional Passport Office,
785/158 Anna Salai, Chennai-02.

+1cc to Mr.Venkatasamy Babu, Advocate, S.R.No.105905

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.105698

W.P.No.20232 of 2019

and

W.M.P. Nos. 19633 & 19634 of 2019

PPA(CO)

CS/31/01/2020