



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.16247 of 2019

A.Muniyasamy

... Petitioner

-Vs-

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai.

... Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent herein to issue the fresh passport in petitioner name on the basis of petitioner's representation, dated 09.07.2019 in connection with File No.MD1070941601118 within the time stipulated by this Court.

For Petitioner : Mr.B.Santhanam Rajeshkumar
For Respondents : Mr.V.Kathirvelu, Assisted by
Mr.K.Prabhu
Central Government Standing Counsel

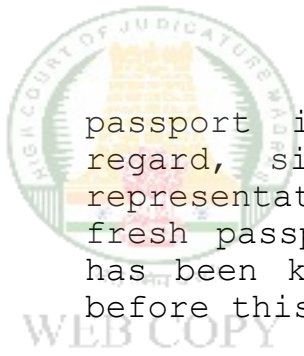
ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent herein to issue fresh passport in the name of the petitioner on the basis of petitioner's representation, dated 09.07.2019 in connection with File No.MD1070941601118 within the time stipulated by this Court.

2.Heard Mr.B.Santhanam Rajeshkumar, learned counsel appearing for the petitioner and Mr.V.Kathirvelu, A.S.G., Assisted by Mr.K.Prabhu Central Government Standing Counsel appearing for the respondent.

3.With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4.The petitioner has made a representation on 09.07.2019. The petitioner has already made an application for issuance of fresh



passport in connection with File No.MD1070941601118. In this regard, since the same is pending, he seems to have given a representation on 09.07.2019 to expedite the matter and to issue fresh passport. However, the same has not been considered and it has been kept pending by the respondent. Hence, the petitioner is before this Court.

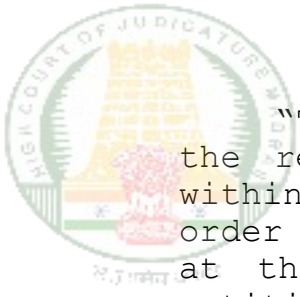
5.The learned Assistant Solicitor General appearing for the respondent No.1 has relied upon the following averments made in the counter affidavit filed by the respondent.

"4.It is submitted that the petitioner had initially obtained a passport No.A3364758 dt.03.08.1999 from Passport Office, Port Blair, thereafter obtained a re-issued passport No.G8922905 dt.27.08.2008 from High Commission of India, Kuala Lumpur and again a re-issued passport No.J3972971 dt.29.11.2010 from Passport Office, Port Blair and thereafter obtained an Emergency Certificate No.X440358 dt.28.03.2014 from High Commission of India, Kuala Lumpur in lieu of reporting lost of passport and again for the second time obtained a duplicate Emergency Certificate No.X0796873 dt.12.12.2017 from High Commission of India, Kuala Lumpur."

6.By relying upon the said averments learned Assistant Solicitor General submitted that in view of the number of duplicate passports, emergency Certificates have been issued on behalf of the Government of India on various point of time in order to ascertain the reasons for such many duplicate passports issued by the authorities and obtained by the petitioner a show cause notice dated 25.07.2019 has been issued to the petitioner requiring him to appear before the respondent office and give a written explanation and once the petitioner appeared before the respondent office and give suitable explanation to the satisfaction of the authorities, on consideration of the same the application of the petitioner would be processed and final orders would be passed on merits in this regard.

7.Pursuant to the said stand taken by the respondent, the the learned counsel for the petitioner submitted that, though the petitioner had already given explanation long back, he would be ready and willing to appear before the respondent pursuant to the latest notice dated 25.07.2019 to give explanation and based on which let the application of the petitioner be processed and final order be passed by the respondents.

8.Having regard to the said submission made by both sides with regard to the factual matrix of this case, this Court is inclined to dispose this writ petition with the following direction.



"That the petitioner is permitted to appear before the respondent pursuant to the notice dated 25.07.2019 within a week from the date of receipt of a copy of this order in any working day between 10.00 a.m. and 05.00 p.m. at the respondent office and on such appearance, the petitioner shall give explanation to the query raised by the respondent and after getting such written explanation from the petitioner, the application for the petitioner shall be processed and final order shall be passed by the respondent within a period of three weeks thereafter."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

/TRUE COPY/

Sub Assistant Registrar

To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai.

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-79024[F] dated 01/08/2019)

Order made in
W.P. (MD) No.16247 of 2019

Dated:

30.07.2019

tm/arul

JM/06.09.2019/3P/3C