



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.16367 of 2019

M.Vishnupriya

...Petitioner

-Vs-

The Passport Officer,
Regional Passport Office,
Claret Plaza, Melakkal Main Road,
Kochadai, Madurai.

...Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent to issue passport to the petitioner considering her application dated 22.08.2017 pending before the respondent in file No.MD1060502024117.

For Petitioner : Mr.R.Sevugaraja
For Respondents : M/s.S.Raghaventhare
Central Government Standing Counsel

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondent to issue passport to the petitioner considering her application, dated 22.08.2017 pending before the respondent in file No.MD1060502024117.

2.Heard Mr.R.Sevugaraja, learned counsel appearing for the petitioner and Mr.S.Raghaventhare, learned Central Government Standing Counsel appearing for the respondent.

3.The petitioner sought for mandamus to process her application, dated 22.08.2017 seeking for issuance of passport.

4.However, the learned Central Government Standing Counsel appearing for the respondent relied upon the averments made in the counter affidavit filed by the respondent stated that, the application of the petitioner had already been closed for want of satisfaction in my explanation to be given by the petitioner, despite



the notice to that effect has been issued in this regard. In support of his contention, he relied upon the following passage of the counter :-

"It is submitted that there is no application for passport submitted by the petitioner pending in this office for further processing, hence, if the petitioner submits an application for passport mentioning the correct particulars in all the relevant columns along with an explanation to this office reminder show cause notice dated 04.02.2019 for having submitted an application for passport in this office vide file No.MD1060502024117 suppressing the information of previous application No.MA3067703108314 and explanation for having submitted fake documents along with passport application, the matter will be referred to concerned Superintendent of Police, for necessary action under the provisions of law and under Section 12(1)(b) of Indian Passports Act, 1967 and after receipt of the action taken report, passport application will be processed in accordance with provision of Indian Passports Act, 1967."

5.The learned Central Government Standing Counsel would further submit that, if at all, the petitioner makes a fresh application, the same would be processed, after getting a report from the concerned Superintendent of Police as to whether any adverse report is available as against the petitioner and accordingly, it will be proceeded and final order would be passed.

6.In view of the said submission made by the learned Standing Counsel for the respondent, the learned counsel appearing for the petitioner would submit that, the petitioner would make a fresh application and once such application is filed, the same may be directed to be considered in accordance with law.

7.Having regard to the said submissions made by both sides and by taking into account the factual matrix, as referred to above, this Court is inclined to dispose of this writ petition with the following directions:-

"that since the application of the petitioner, dated 22.08.2017 has already been closed, the question of issuing any mandamus cannot be entertained at this stage. However, it is open to the petitioner to make a fresh application to the respondent and once such application is made, the respondent shall consider the same and if at all, any report to be obtained from the police authority, the needful can also be done and in this regard, it is open to the respondent to seek



explanation from the petitioner for having suppressed the earlier filing of the application and in this regard, after getting necessary explanation from the petitioner as well as the report from the police authorities, let the respondent consider such application on merits and in accordance with law and final order shall be passed at the earliest."

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

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

To

The Passport Officer,
Regional Passport Office,
Claret Plaza, Melakkal Main Road,
Kochadai, Madurai.

+1 CC to Mr.R.SEVUGA RAJA, Advocate (SR-79918[F] dated 06/08/2019)

W.P. (MD) No. 16367 of 2019
05.08.2019

KM/ (26.11.2019) 3P 3C