



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P. (MD) No.4082 of 2017

S.Charis Chell

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Madurai.

... Respondent

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to process the petitioner's passport application bearing No.MD2068399063315 and issue passport to the petitioner by considering the petitioner's reply dated 29.02.2016.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.R.Laxman,
Central Government Standing Counsel

O R D E R

The prayer in the Writ petition is for a Writ of Mandamus, directing the respondent to process the petitioner's passport application bearing No. MD2068399063315 and issue passport to him by considering his reply dated 29.02.2016.

2.Heard Mr.S.C.Herold Sing, learned counsel for the petitioner and Mr.R.Laxman, learned Central Government Standing Counsel appearing for the respondent.

3.The petitioner, seems to have given an application in application bearing No.MD2068399063315, seeking for issuance of passport by application dated 29.02.2016 and the petitioner wants to dispose of the said application on merits, sought for a Mandamus, as prayed in this Writ petition.

4.The respondent has filed a counter affidavit to the said request made by the petitioner, among other things, the respondent has stated the following -



"14.It is submitted that, the petitioner's passport application was already closed by this office on 09.06.17 under intimation to the petitioner through letter No.FCL/305577255/17 and as such there is no passport application pending in this office for processing. Hence, if the petitionenr submits an application afresh for passport mentioning his previous application reference number his passport application will be processed on PRE police verification reports basis and as per normal procedure."

5.Relying upon the said stand taken by the respondent, the learned counsel for the respondent submits that since the application referred to by the petitioner in the prayer has already been closed for want of certain particulars, the same cannot be revived and reconsidered.

6.At the same time, if the petitioner wants to make a fresh application with all relevant documents that would be considered by the respondent on merits and in accordance with law.

7.In that view of the stand taken by the respondent, the learned counsel for the petitioner would submit that, the petitioner would make a fresh application with relevant documents and once such application is filed, the same can be considered and decided on merits and in accordance with law by the respondent.

8.Having regard to the said stand taken by the parties, this Court is inclined to dispose of this Writ petition with the following directions -

That the present prayer cannot be granted in view of the stand taken by the respondent that the application of the petitioner has already been closed. Therefore, the same is rejected.

However, it is open to the petitioner to make a fresh application with all relevant documents and once such application is made, the same shall be considered by the respondent on merits and in accordance with law as expeditiously as possible.

9.Accordingly, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //



To
The Regional Passport Officer,
Regional Passport Office,
Madurai.

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+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-74425[F] dated
10/07/2019)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-74597[F] dated 10/07/2019)

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