



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.14327 of 2018

M.Seeni Nainar Mohamed

... Petitioner

-vs-

1.The Regional Passport Officer,
The Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Vilakuthoon Police Station,
Madurai.

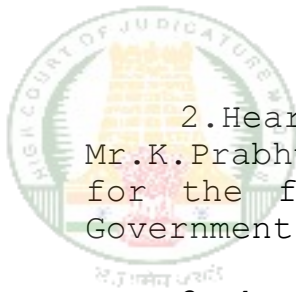
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to issue short validity passport to the petitioner for performing Haj Pilgrimage by considering his application No.MD1060293232917, dated 31.05.2017 on the file of the first respondent in accordance with law within the stipulated time.

For Petitioner : Mr.Rathinam
for M/s.R.Alagumani
For Respondent 1 : Mr.K.Prabhu
Central Government Standing Counsel
For Respondent 2 : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to issue short validity passport to the petitioner for performing Haj Pilgrimage by considering his application No.MD1060293232917, dated 31.05.2017 on the file of the first respondent in accordance with law within the stipulated time.



2. Heard the learned Counsel appearing for the petitioner, Mr.K.Prabhu, learned Central Government Standing Counsel appearing for the first respondent and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the second respondent.

3. The learned Counsel appearing for the petitioner would submit that the petitioner had applied for issuance of short validity passport before the first respondent through online with file No.MD1060293232917 dated 31.05.2017 to perform Haj Pilgrimage. However, the police authorities on verification stated that the petitioner is a History Sheeted person in H.S.No.392 of 1995 maintained by the second respondent police. Therefore, on 17.10.2017, the petitioner preferred a detailed representation to the Commissioner of Police and the Assistant Commissioner of Police, Madurai City and to the second respondent to close the History Sheet maintained against him. As the said representation was not considered by them, the petitioner had approached this Court by way of W.P.(MD)No.20816 of 2017 seeking closure of History Sheet and this Court by order dated 28.04.2018 directed the third respondent therein/second respondent herein to consider the petitioner's representation and pass appropriate order within a period of four weeks from the date of receipt of a copy of the order. Thereafter, the petitioner made another representation on 12.06.2018 along with a copy of the order passed in W.P.(MD) No.20816 of 2017 and other documents to the second respondent. When the said representation is pending consideration, the first respondent issued a letter dated 14.06.2018 seeking explanation from the petitioner for suppression of material information regarding history sheet within a period of 30 days. Further, the first respondent issued another letter on 19.06.2018 directing the petitioner to appear in person along with the required documents before the first respondent within 15 days. It is further submitted that the first respondent had given 30 days time to give explanation vide letter dated 14.06.2018 and immediately after a period of 5 days i.e., on 19.06.2019 another letter was communicated to the petitioner directing to appear in person before the first respondent. Therefore, the petitioner could not understand that which direction should be followed first. However, the petitioner submitted his explanation on 28.06.2018 which is within the time given by first respondent vide letter dated 14.06.2018. Since the same has not been considered, the petitioner has come forward with the present Writ Petition.

4. The learned Central Government Standing Counsel appearing for the first respondent would submit that the request of the petitioner for issuance of temporary passport will be considered, provided he produces the copy of the judgment showing that the petitioner has been acquitted from all cases against him and the issuance of passport will also be subject to the police verification.

5. Considering the facts and circumstances of the case and the <https://hosevisitors.in/hosevisitors/> the learned Central Government Standing Counsel



appearing for the first respondent, the first respondent is directed to issue temporary passport to the petitioner within a period of 15 days from the date of production of a copy of the judgment whereby the petitioner has been acquitted from the charges. However, the first respondent shall issue temporary passport to the petitioner subject to the following conditions:

"(i) Whenever the petitioner travels abroad, he shall submit his tour plan/schedule before the Passport Authority, four days prior to his departure together with his contact number and e-mail address.

(ii) The petitioner shall furnish the self-attested copies of the travel documents viz. Visa, Air Ticket, etc., relating to his journey before the Passport Authority,

(iii) The petitioner shall also furnish his full address of stay abroad, contact telephone numbers, fax number, e-mail address, etc., to the respondent.

(iv) The petitioner, on his return to India, shall intimate the same to respondent and produce the self-attested copy of all pages of the passport within two working days of his returning India.

(v) In case he travels abroad, without any intimation as per the conditions mentioned supra, it is open to the Passport Authority either to cancel or not to renew the passport in future.

(vi) The Passport Authority must ensure that there is an endorsement in the passport that the passport has been issued pursuant to the orders of this Court and in case, the Passport/Airport Authorities require a copy of the order, it should be produced by the petitioner to them so that they can verify the genuineness of the travel and the said endorsement should be made in all his renewed passports in future.

(vii) The passport authority shall keep a separate record in regard to this petitioner so that genuineness of his travel and other relevant details shall be ascertained as and when required.

6.This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

/ /2021
Sub Assistant Registrar



To

1.The Regional Passport Officer,
The Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Vilakuthoon Police Station,
Madurai.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, Advocate (SR-23911)

Order made in
WP (MD) No.14327 of 2018
02.12.2020

SRM
SRS/10.02.2021/4P/4C