



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD)No.17675 of 2017

WEB COPY

P.Rajagopal

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to issue the passport for the Application No.MD 1078123222514 to the petitioner within stipulated time fixed by this Court.

For Petitioner

: Mr.K.Suresh Kumar

For Respondent

: Mr.V.Malaiyendran

Central Government Standing Counsel

ORDER

This Writ Petition has been field seeking issuance of a Writ of Mandamus to direct the respondent to issue the passport for the Application No.MD 1078123222514 to the petitioner within stipulated time fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.V.Malaiyendran, learned Central Government Standing Counsel appearing for the respondent.

3.The learned Counsel appearing for the petitioner would submit that the petitioner gave a sum of Rs.10,25,000/- to one Gnanaprakasam Kumarasingam Vincent, who is residing at Door No.104, Iluppaikulam Veethi, Velikulam, Vavuniya, Srilanka, for getting a job in Germany. But the said Gnanaprakasam Kumarasingam Vincent did not get any job to the petitioner. Therefore, the petitioner went to Srilanka in the month of March, 2011 to enquire about the job in Germany with the said Gnanaprakasam Kumarasingam Vincent. In Srilanka, the said Gnanaprakasam Kumarasingam Vincent, in order to escape from the liability and cheat the petitioner and also taking advantage of the innocence of the petitioner, handed over the petitioner to Vavuniya Police Station by falsely implicating the petitioner in a criminal case in the name of one N.Yogaraja and the petitioner was arrested on 02.04.2011 and sent to jail without any



enquiry. The Vanuniya High Court at Srilanka convicted the petitioner by order dated 11.05.2011 and sentenced him to undergo life imprisonment, without conducting any enquiry. Later, the petitioner came to know that he was convicted for smuggling of Heroin. However, after a period of nearly two years on 01.03.2013, the petitioner was transferred to Trichy Prison for his good conduct at Welikada Prison. Even in Trichy Central Prison, the petitioner had undergone two years of imprisonment from 03.03.2013 and released on 10.10.2014. Thereafter, the petitioner, in order to repay the amount which he borrowed from various persons and to eke out his livelihood, he wanted to go abroad. Therefore, he made an application for re-issuance of passport by paying necessary fees on 02.12.2014 and 08.12.2014 and the respondent also allotted file number for the application as MD 1078123222514. The petitioner had also produced necessary documents, however, the respondent has not issued passport to the petitioner. Further, the petitioner has also made several representations to the respondent and also to the Ministry of External Affairs, Delhi. Since there was no response from the respondent, the petitioner has come forward with this Writ Petition.

4.The respondent has filed a counter contending that the passport application submitted by the petitioner was already closed on 18.03.2016 and the same was intimated to him. If the petitioner files a petition afresh by mentioning the closed application reference number along with copy of proof of necessary documents, if available, in support of his release from the Prison in Tamil Nadu, the matter will be referred to the High Commission of India at Colombu, Srilanka for the clearance and his application will be processed in accordance with the provisions of the Indian Passports Act, 1967.

5.In view of the above, it is open to the petitioner to make fresh application before the respondent and on receipt of the same, the respondent shall scrutinize the application and issue a passport to the petitioner, if it is otherwise in order, 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. With the following observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

SRM

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

+1 CC to M/s.K. SURESH KUMAR, Advocate (SR-20007[F] dated 14/10/2020)

W.P (MD) No.17675 of 2017
14.10.2020

CK (CO)
AP (24/11/2020) 3P 3C