

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.1876 of 2019
and

W.M.P.Nos.2072 & 2073 of 2019

M.Karpaham

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Royola Towers,
No.2 and 3, 4th Floor,
Old No.785, New No.158, Anna Salai,
Chennai - 600 002.
2. Assistant Foreigners Regional Registration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 03.10.2018 quash the same consequently direct the respondents to release the petitioner's passport to enable her to go over to foreign countries.

For petitioner ... Mr.S.N.Subramani

For Respondents... Ms.M.P.Jaisha
Central Government Standing Counsel
for R1

ORDER

This writ petition has been filed challenging the order dated 03.10.2018, passed by the 2nd respondent, seizing the passport of the petitioner on the ground that during interrogation at the time of her departure to Colombo by Indigo Airlines Flight No.6E-1203, it revealed as follows:

"On interaction, the pax revealed that, she was

born in Lynford Tea Estate, Bogawantalawa, Nuwara Eliya Dist., Srilanka. Her forefathers belongs to Pulivalam, Tamilnadu who went to Srilanka and settled there. Her father Muthusamy Candasamy (Indian Passport No.P7443624) later married to a Srilankan lady namely Dhanaluxmie (Indian Passport No.J5218504). In the year 1985, Later on the pax came to India along with his family (father, mother, two sisters, namely Thevi Banumathy (Indian Passport No.J9412677), Goheela (Indian Passport No.Z1845547) two brothers namely Myuran (Indian Passport No.J5216369) and Vijendran (Australian citizen). She married to an Ramanathan manievannan and now residing in Kikattalai, Chennai.

2. Considering the change of place of birth, the above passport was seized and sent to RPO Chennai for further necessary action besides, the passenger advised to report for RPO Chennai in this regard."

2. Aggrieved by the same, this Writ Petition has been filed. The petitioner has produced before this Court in the typed set of papers, the following documents:

- i) SSLC Mark Sheet
- ii) Transfer Certificate
- iii) Degree Certificate
- iv) Copy of Family Card
- v) Marriage Invitation
- vi) Copy of passport

3. It is the contention of the petitioner that she was issued with the passport on 26.10.2010, which expired on 25.10.2020, and she has been travelling to various countries with the said passport. However, according to the learned counsel for the petitioner, arbitrarily and in total non-application of mind, without considering the aforementioned documents, the impugned order has been passed by the 2nd respondent, seizing the passport of the petitioner.

4. Heard Mr.S.N.Subramani, learned counsel for the petitioner and Ms.M.P.Jaisha, learned Central Government Standing Counsel appearing for the 1st respondent.

5. On instruction, Ms.Jisha, learned Central Government Standing Counsel for the 1st respondent would submit that the 1st respondent has called the petitioner for enquiry to establish her case that she is an Indian citizen. However, according to the learned Central Government Standing Counsel, the petitioner did not participate in the said enquiry.

6. Learned counsel for the petitioner, on instruction, would submit that since all the documents were sent to the 2nd

respondent, there was no necessity for the petitioner to go for personal hearing. However, he would submit on instruction that the petitioner is willing to go before the 2nd respondent with all the available documents to substantiate her case that she is an Indian Citizen, for which submission, learned Central Government Standing Counsel for the 1st respondent, on instruction, would submit that the 1st respondent is willing to hold fresh enquiry and consider the petitioner's case on merits and in accordance with law.

7. After recording the rival submission, this Court directs the 1st respondent to consider the petitioner's representation dated 13.11.2018 seeking for return of her original passport and pass final orders on merits and in accordance with law, after considering all the documents placed by the petitioner before the 1st respondent and also by affording her personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Regional Passport Officer,
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No.2 and 3, 4th Floor,
Old No.785, New No.158, Anna Salai,
Chennai - 600 002.
2. Assistant Foreigners Regional Registration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai.

+1cc to Mr.S.N.Subramani, Advocate SR.14294

W.P.No.1876 of 2019

SKY (CO)
CB(22/03/2021)