

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.20430 of 2020 and
W.M.P. No.25208 of 2020

Umadevi Sivalingam

.. Petitioner

Vs.

1.Regional Passport Officer
Regional Passport Office
Municipal Water Tank Building
W.B. Road, Tiruchirapalli - 620 008

2.The Assistant Foreigner's Regional Registration
Officer (AFRRO)
Bureau of Immigration
Chennai International Airport
Chennai - 600 027 .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent to return petitioner's passport No.S1560690 dated 24.04.2018 to her immediately which was seized by the 2nd respondent at Chennai Airport on 23.11.2019.

For Petitioner : Mr.V.Raghavachari
for Mr.M.Narayanaswamy

For Respondents : Mr.Madanagopal Rao, CGSC

O R D E R

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This petition is for a Writ of Mandamus directing the 1st respondent to return petitioner's passport No.S1560690 dated 24.04.2018 to her immediately, which was seized by the 2nd respondent at Chennai Airport on 23.11.2019.

2. The case of the petitioner is that, at the time of her birth, her parents were working in Sri Lanka and they have obtained a Sri Lankan Passport for her, while she was minor and the same expired on 21.07.1994. The petitioner along with her parents have shifted to India during the last week of 1984 and she has completed her studies in Tamil Nadu. She got

married to one S.Sivalingam, who is an Indian Citizen. According to the petitioner, she was not aware of her birth status earlier.

3. It is the further case of the petitioner that, she had applied for Indian Passport before the first respondent on attaining majority and obtained a Passport bearing No.H0560381 dated 26.09.2008 and subsequently, the same was renewed vide Passport No.S1560690 dated 24.04.2018 and the same is valid till 23.04.2028. Besides passport, the petitioner is also having valid documents such as Aadhar Card, Driving Licence, PAN Card, Ration Card etc. issued by the Government of India or Government of Tamil Nadu, as the case may be, to prove that she is the citizen of India.

4. It is her further contention that, on 23.11.2019, she has planned to travel to Colombo, Sri Lanka through Sri Lankan Airlines, to attend a wedding at Sri Lanka. While so, during immigration clearance at Chennai Airport, her passport was seized by the second respondent herein stating that she has acquired the above passport furnishing wrong particulars. It is her contention that though she was born in Sri Lanka, at the age of 14 years, she came to India as a minor with her parents and her family is residing permanently in Trichy. Her father, husband and her two children are Indian Citizens. They are having Indian Passport and Aadhar Cards issued by the Government of India.

5. It is her further contention that she has sent a representation to the first respondent to return the passport. In reply, the first respondent asked for some clarification regarding the issuance of passport and further asked her to produce the original documents and travel documents including details of her birth to return her passport. In turn, she has sent a reply on 11.02.2020 along with necessary documents requesting the first respondent to return her passport. Even after receipt of her reply/representation dated 11.02.2020, the first respondent has not taken any steps to return the passport to her. Hence this writ petition.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case and having regard to the nature of the dispute, without expressing any opinion on the merits of the case, the first respondent, namely the Regional Passport Officer, Regional Passport Office, Trichy, is directed to dispose of petitioner's representation dated 11.02.2020 and after issuing a notice to the petitioner of being heard in person or virtually and by considering all the relevant documents that have been submitted by her in this regard, and pass appropriate orders on merits, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. However, there is no order as to costs. Consequently, the connected writ miscellaneous petition, is closed.

Sd/-
Assistant Registrar(CCC)

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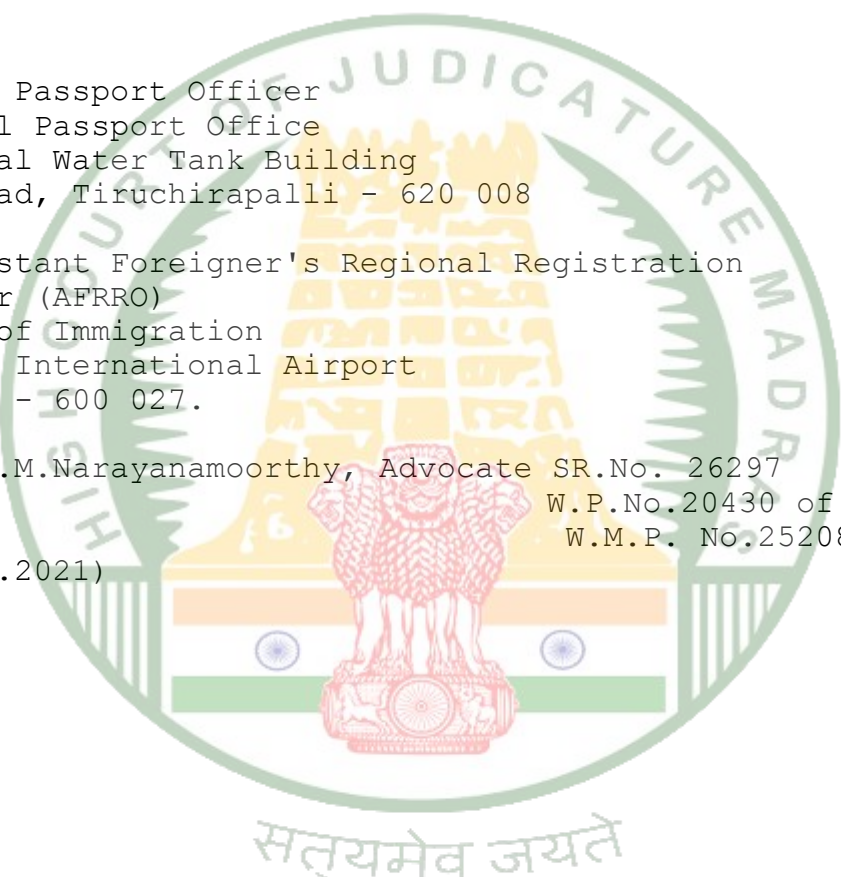
Sub Assistant Registrar

Asr
To,

1.Regional Passport Officer
Regional Passport Office
Municipal Water Tank Building
W.B. Road, Tiruchirapalli - 620 008

2.The Assistant Foreigner's Regional Registration
Officer (AFRRO)
Bureau of Immigration
Chennai International Airport
Chennai - 600 027.

+1cc to Mr.M.Narayanamoorthy, Advocate SR.No. 26297
W.P.No.20430 of 2020 and
W.M.P. No.25208 of 2020
A.SK(01.07.2021)



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