



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14071 of 2021

Ibrahim

... Petitioner

Vs.

1.The Regional Passport Officer
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2.The Inspector of Police
Kadayanallur Police Station,
Thenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to issue a passport to the petitioner by considering his passport application in file number MD2063383205721 dated 19.04.2021.

For Petitioner : Mr.K.Navaneetharaja

For 1st Respondent : Mr.T.Thirupathy
Standing Counsel

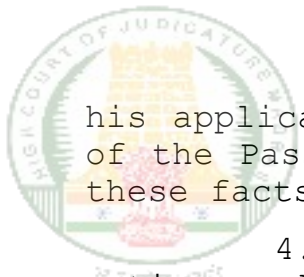
For 2nd Respondent : Mr.R.Baskaran,
Counsel for State.

ORDER

The petitioner seeks a direction to the first respondent to issue a passport to the petitioner on the basis of his application in File No.MD2063383205721 dated 19.04.2021.

2. The petitioner states that he applied for a passport under the aforesaid application number. In response thereto, he received a letter dated 24.02.2021 from the first respondent, wherein it was mentioned that he was involved in a case in Crime No.463 of 2019 on the file of the Kadayanallur Police Station and that details thereof were suppressed in his application.

3. The petitioner asserts that no charge sheet has been filed in connection with Crime No.463 of 2019 and that, therefore,



his application cannot be rejected under Section 6 (2) (f) and (g) of the Passports Act, 1967. The present Writ Petition is filed in these facts and circumstances.

4. Mr.T.Thirupathy, learned counsel for the Union, accepts notice on behalf of the first respondent and Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the second respondent.

5. Especially in view of the fact that the first respondent has alleged suppression of material facts in the passport application, a positive direction to issue the passport cannot be granted. The power to decide as to whether a passport should be issued or not is a statutory power vested in the first respondent and, therefore, it is appropriate that such power is exercised in accordance with law by the said respondent.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's application in light of his explanation dated 22.07.2021 and pass a reasoned order thereon within a period of two (2) months from the date of receipt of a copy of this order.

7. W.P.(MD).No.14071 of 2021 is disposed of on there terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Regional Passport Officer
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.



2.The Inspector of Police
Kadayanallur Police Station,
Thenkasi District.

+1 CC to M/s.T.THIRUPATHY, Advocate (SR-26096[F] dated 12/08/2021)

+1 CC to M/s.GP (SR-26231[F] dated 13/08/2021)

W.P (MD) No.14071 of 2021
12.08.2021

MGJ(26.08.2021) 3P 5C