



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15474 of 2021

and

W.M.P. (MD) .No.12371 of 2021

Jameel Riath

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai-625 002.
- 2.The Senior Superintendent,
Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai-625 002.
- 3.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 4.The Inspector of Police,
Keniakarai Police Station,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in R.No.MD01C5078944919 dated 02.08.2021 passed by the Respondent No.2 as quash the same as illegal, consequently directing the Respondent No.1 to renew the petitioner's passport based the application in File No. MD01C5078944919 dated 24.09.2019.

For Petitioner : M/S.Jinnah.S.M.A

For Respondents : Mr.L.Victoria Gowri,
ASGI for R1 and R2

Mr.P.Subbaraj for R3 and R4.



ORDER

The petitioner challenges an order dated 02.08.2021 of the second respondent, whereby it was decided to revoke three (3) passports issued to the petitioner. The petitioner states that he was originally issued passport No.V811013 on 11.04.1984 when he was in the custody of his mother. In 1995, it is stated that he was issued passport No.U023710 when he was with his father. It is further stated that the second passport was lost and, therefore, the petitioner applied for and obtained a third passport bearing No.H7013635 on 15.10.2009. The petitioner applied for re-issuance of such passport on 16.10.2019. Eventually, in spite of submitting an explanation to the second respondent, it is stated that the impugned order has been passed without considering such explanation.

2. Ms.L.Victoria Gowri, learned Assistant Solicitor General of India, accepts notice on behalf of the first and second respondents and Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the third and fourth respondents.

3. The acceptance or rejection of an application for a passport is governed by the Passports Act, 1967 and the Rules framed thereunder. In the case at hand, the three (3) passports issued to the petitioner were revoked under the impugned order. Such order has been passed under Section 10(3)(b) of the Passports Act, 1967 which reads as under:

"(3). The passport authority may impound or cause to be impounded or revoked a passport or travel document-

....

(b) If the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf; provided that if the holder of such passport obtains another passport, the passport authority shall also impound or cause to be impounded or revoked such other passport."

4. Section 11 of the Passports Act, 1967 enables a person aggrieved by an order of the passport authority under Section 10(1)(3) to file an appeal before the appellate authority. The Passports Rules of 1980 specify that such appellate authority is the Chief Passport Officer, Ministry of External Affairs, New Delhi, as regards orders passed under Section 10 (1) (3). Therefore, the petitioner has a statutory appellate remedy and such remedy should be availed of. Rule 14 of the Passports Rules specifies the time limit of 30 day for the filing of an appeal. The said 30 days period is required to be computed from the date on which the order sought to be appealed against is communicated to the appellant. In the case at hand, the impugned order is dated 02.08.2021. It is unclear as to when such order was received by the petitioner. In

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seeking relief. As such, the petitioner is entitled to the exclusion of the time taken in these proceedings and a reasonable time thereafter to file and prosecute the statutory appeal.

5. Accordingly, W.P(MD).No.15474 of 2021 is disposed of by permitting the petitioner to file a statutory appeal under Section 11 of the Passports Act, 1967. If such appeal is filed within a period of 15 days from the date of receipt of a copy of this order, the appellate authority is directed to receive such appeal without going into the question of limitation and dispose of the same on merits and in accordance with law. There will be no order as to costs. Consequently, connected W.M.P.(MD).No.12371 of 2021 is closed.

Sd/-

Assistant Registrar (CS II)

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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,
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- 2.The Senior Superintendent,
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- 3.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 4.The Inspector of Police,
Keniakarai Police Station,
Ramanathapuram District.



+1 CC to M/s.GP (SR-27910[F] dated 02/09/2021)

W.P (MD) No.15474 of 2021
01.09.2021

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