



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.17096 of 2021

and

W.M.P. (MD) .Nos.14022 to 14024 of 2021

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M.Kannappan

... Petitioner

Vs.

1.The Chief Passport Officer,
Ministry of External Affairs,
Room No.27, Patiala House,
Tilak Marg,
New Delhi - 110 001.

2.The Passport Issuing Authority,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 007.

... 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 order, namely, 1800010_CPC_MDU, dated 26.07.2021, passed by the second respondent and quash the same, and further direct the second respondent to re-issue passport to the petitioner on his Passport Application, dated 31.03.2021, vide reference; MD1073356190121, on the file of the second respondent.

For Petitioner : Mr.D.Gnansekaran

For R-1 & R-2 : Mrs.L.Victoria Gowri

Assistant Solicitor General of India

ORDER

The petitioner challenges an order dated 26.07.2021 of the second respondent and seeks a consequential direction for the re-issuance of a passport to him on the basis of his Passport Application dated 31.03.2021 bearing Reference No.MD1073356190121.

2.The petitioner states that he is a Marine Engineer. Therefore, his job entails frequent travel to multiple countries, wherein his job is on ships. For such purpose, he had applied for and obtained passports from time to time. His current passport bears No.J8815505, which was issued by the second respondent on 10.10.2011 and expires on 09.10.2021. For purposes of his



employment, the petitioner states that the passport should be valid for not less than six months from the date he signed in for his assignment. Since the current passport expires on 09.10.2021, the petitioner states that he would not be in a position to fulfill the job requirements unless the passport is renewed.

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3. In these circumstances, the petitioner states that the impugned order dated 26.07.2021 was issued. According to the petitioner, the said order was issued on the basis of a complaint lodged by his sister, namely, Rukmani Ganesan. The complaint relates to the place of birth of the petitioner. The petitioner states that he was under the impression that he was born at Thiruvaidaiyarpatti on the basis of his School Transfer Certificate. Therefore, he had mentioned the said place as his place of birth. Subsequently, he realised that his place of birth was in Malaysia. The petitioner asserts that he also obtained a Birth Certificate from the State of Malaysia. As such, he states that he did not commit any material suppression of facts. In any event, he states that he cannot be denied a passport for such reason inasmuch as both his parents are Indian citizens and he has held Indian passports for about thirty (30) years.

4. Therefore, the petitioner filed an appeal before the first respondent on 27.08.2021. However, in view of the urgent requirement of a renewed passport, the petitioner has approached this Court.

5. Mrs. L. Victoria Gowri, learned Assistant Solicitor General of India, accepts notice on behalf of both the respondents. She submits that the petitioner's appeal may be considered and disposed of on merits expeditiously.

6. The petitioner has enclosed a copy of the Birth Certificate issued to him by the Federation of Malaysia on 11.08.2021. The earlier passports issued to him have also been enclosed. The petitioner has provided an explanation to the show cause notice and has also presented an appeal before the first respondent. *Prima facie*, the allegation against the petitioner does not appear to be serious or of great significance. However, it is for the first respondent to take such aspect into consideration before taking a decision. In any event, it is just and necessary that a decision be taken at the earliest.

7. The Passports Act 1967 enables the filing of an appeal against orders passed under Section 5. Such appeals are provided for under Section 11 thereof. Rule 14 of the Passports Rules, 1980 enables the filing of an appeal within a period of thirty (30) days from the date on which the order sought to be appealed against is communicated to the person concerned. It appears that the petitioner has filed the appeal within time. However, the



petitioner seeks leave to file additional documents before the first respondent. The petitioner is granted leave to do so.

8. Accordingly, without entering findings on the merits of the dispute, the petitioner is permitted to submit additional documents in support of his appeal to the first respondent within a period of one (1) week from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to consider and dispose of the pending appeal on merits within a period of two (2) months from the date of receipt of the additional documents from the petitioner.

9. W.P.(MD)No.17096 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).Nos.14022 to 14024 of 2021 are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

tsg/nsr

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 Chief Passport Officer,
Ministry of External Affairs,
Room No.27, Patiala House,
Tilak Marg,
New Delhi - 110 001.

2. The Passport Issuing Authority,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 007.

+1 CC to M/s.DR.D.GANASEKARAN, Advocate (SR-30076[F] dated 23/09/2021)

**W.P(MD)No.17096 of 2021
23.09.2021**