



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.19823 of 2021

WEB COPY
Kumarasamy

... Petitioner

vs.

The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to consider the petitioner fresh passport application in file TR1068343657315, dated 05.03.2015 and issue passport to the petitioner.

For Petitioner :Mr.M.Kalamurugappan

For Respondent :Mr.S.Jeyasingh

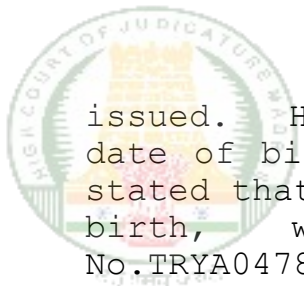
O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking consideration of the application of the petitioner for passport, which application was filed on 05.03.2015 in TR1068343657315.

2.Heard Mr.M.Kalamurugappan, learned Counsel for the petitioner and Mr.S.Jeyasingh, learned Standing Counsel for the respondent.

3.The petitioner had a passport bearing No.F1182737. It has expired. He, therefore, filed a fresh application in the year 2010. That was rejected stating that he must file an application to renew the earlier passport. He filed an application on 05.03.2015 seeking such renewal. Since no order has been passed, according to the petitioner, in that particular application, the present Writ Petition has been filed.

4.A counter had been filed on behalf of the respondent. I must state that the counter is not available in the Court records, but I have the benefit of examining the counter, which was forwarded by the learned Counsel for the petitioner. In the counter affidavit, it had been stated that the petitioner had applied for a fresh passport on 05.03.2015 without disclosing the earlier passport



issued. He had filed a school transfer certificate, as proof of date of birth and educational qualification. However, it had been stated that he had furnished a fake certificate, as proof of date of birth, while applying for passport vide application No.TRYA047828/10.

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5.This necessitated the respondent to register a case against the petitioner and accordingly, a case was registered against the petitioner at Pappanadu Police Station at Orathanadu Sub Division in Cr.No.224 of 2015 for the offence punishable under Sections 471, 420 and 467 IPC r/w 12(1)(b) of Indian Passports Act, 1967. This was registered on 23.08.2015. The petitioner has been sought to furnish a copy of the judgment of the Trial Court.

6.It is not known whether as on date, trial had commenced or trial had been completed or whether judgment had been pronounced. These are aspects to the specific knowledge of the petitioner herein. If he is able to clear these aspects with the respondent and if he is able to file a fresh application, then the respondent may examine the same provided the fresh application discloses true and correct information based on the genuine certificates and also encloses a copy of the judgment of Trial Court pursuant to the registration of FIR in Cr.No.224 of 2015.

7.I am conscious that I am not giving any details either of the calendar case or the name of the Court, where the offence had been taken cognizance. But, this Court is also handicapped in view of full facts not being disclosed in the application. At any rate, a Mandamus is issued and an obligation is placed on the petitioner herein to satisfy the respondent with all true facts as aforesaid. If the petitioner does not give the correct and true facts, the respondent has every right to reject the application seeking fresh passport or renewal of passport.

8.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Ministry of External Affairs,
Regional Passport Office,
Municipal Water Tank Building,
W.B.Road, Trichirappalli.

+1 CC to M/s.S.JEYASINGH, Advocate (SR-36434[F] dated 29/11/2021)
W.P.(MD)No.19823 of 2021
29.11.2021

MGJ(10.12.2021) 3P 3C