



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.2219 of 2022

Vinayagamurthy Duraisamy

...Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
Royala Tower Nos.2 and 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai, Tamil Nadu - 600 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the representation sent by the petitioner vide the letter dated 20.01.2022 to reconsider his application for issuance of passport in accordance with law.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents : Mr.M.Sathyan

Assistant Central Government
Standing Counsel

O R D E R

Mr.M.Sathyan, learned Assistant Central Government Standing Counsel accepts notice for the respondent and is armed with instructions to proceed with the matter finally. Hence, by consent expressed by both learned counsel, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner had applied for passport on 08.01.2021. Admittedly, there appears to have been suppression of a criminal case pending as against the petitioner in the application form. This led to issuance of notice dated 22.01.2021 seeking clarification and calling for an explanation



in regard to the adverse impact in the police verification report corresponding to his passport application.

3. Though this notice is dated 22.01.2021 and calls for an explanation within 30 days, the petitioner has filed an explanation only on 20.01.2022, one year later and has immediately filed this Writ Petition seeking a mandamus directing the respondent to consider his representation re-considering his application and pass orders in accordance with law.

4. The Writ Petition appears to be proceed upon the erroneous basis that communication dated 22.01.2021 rejects the passport application, whereas, in reality it only calls for an explanation which have to be tendered by the petitioner within 30 days. Notwithstanding that the petitioner has substantially delayed the matter by furnishing the response one year thereafter, in the interests of substantial justice and since the respondent has no objection to this course of action, the respondent is directed to consider the representation of the petitioner dated 20.01.2022 treating it as a response to notice dated 22.01.2021, hear the petitioner and pass orders on merits and in accordance with law within a period of four (4) weeks from today.

5. The Writ Petition is disposed in the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

The Regional Passport Officer,
Regional Passport Office,
Royala Tower Nos.2 and 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai, Tamil Nadu - 600 002.

+2cc to Mr.G.Mohanakrishnan, Advocate SR.No.8803, 9343

+1cc to Mr.M.Sathyan,ACGSC, Advocate SR.No.9116

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SR-II(CO)

CB(22/02/2022)