



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.20382 of 2018

S.Sridhar

..Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Royala Towers, No.2 & 3, 4th floor,
Old No.785, New No.158,
Anna Salai, Chennai - 600 002.
2. The Regional Passport Officer,
Passport Seva Kendra,
C/o.Animal Husbandry Complex,
Maraimalai Adigal Salai,
Puducherry - 605 003.
3. Inspector of Police,
Rediyar Palayam,
Puducherry.

...Respondents

PRAYER: This Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to renew the petitioner Passport applied under file No.MA 4070869153318 dated 03.01.2018.

For Petitioner : M/s.G.Punniakoti
For Respondents : Mr.S.N.Parthasarathi
SCGSC for R1 & R2
No appearance for R3

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the 2nd respondent to renew the petitioner's Passport applied under file No.MA 4070869153318 dated 03.01.2018.

2. The case of the writ petitioner is that his passport issued on 21.08.2007 was expired on 20.08.2017 and therefore, he



has applied for renewal of the Passport on 03.01.2018, but the same was kept pending. Later, when the petitioner checked the status of his Passport Renewal Application through online, it shown as "Police verification not clear". Thereafter, immediately he verified with the local Police and came to know that there is an FIR pending against him regarding a protest related to Kaveri issue and his name was impleaded as 43rd accused in the FIR. The petitioner fairly admitted the fact that he was involved in the protest along with other political party members but he was not aware of the fact that an FIR was registered against him and that is the reason why he has not stated anything about the FIR in the Passport Application. The petitioner also made a representation on 19.04.2018 to the 1st respondent and after giving the representation, he received a reply calling for an enquiry at the 1st respondent office on all working days and he went and clarified the facts. Even though the 1st respondent has not renewed the Passport of the petitioner. Aggrieved over the same, the petitioner is before this Court by virtue of the present writ petition.

3. Per contra, the learned Central Government Standing Counsel appearing for the respondents 1 and 2 would submit that they processed the petitioner's application and they sent a letter requesting the petitioner to provide suitable explanation within 30 days regarding the circumstances under which he had suppressed the material information in his Passport Application and in the absence of any response from the petitioner, his application will be closed. Since, no reply was received from the petitioner, his application was closed and closure letter was communicated to the petitioner vide letter dated 17.07.2019. Therefore, he submitted that the prayer in this writ petition cannot be considered. However, he fairly submitted that if the petitioner is interested in filing fresh application for Passport renewal, it would be considered in accordance with law.

4. In reply, the learned counsel appearing for the petitioner submitted that liberty may be given to the petitioner to file a fresh application for renewal of passport along with all the relevant documents.

5. In view of the above submissions and in view of the fact that the petitioner was involved in a protest which is not a heinous crime to reject the request of the petitioner to renew his passport and it is only for the public cause, where the petitioner participated in a protest regarding the Kaveri issue along with other public. Against the said protest, an FIR was filed by the 3rd respondent, which according to the petitioner did not know anything about impleading him in the FIR as 43rd



accused and therefore, the petitioner honestly not mentioned anything about the pending FIR. Thus, this Court grants liberty to the petitioner to file a fresh application for renewal of the Passport to the 1st respondent and in which case, the 1st respondent is directed to consider the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns
To

1. The Regional Passport Officer,
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 2. The Regional Passport Officer,
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Puducherry - 605 003.
 3. Inspector of Police,
Rediyar Palayam,
Puducherry.
- +1 CC to M/s.G. Punniakoti, Advocate sr 572
+1 CC to Mr.S.N.Parthasarathi, Advocate sr 1683.

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KSM(CO)
SP(22/02/2022)