

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15322 of 2021

N.Sahayam

... Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
rep.by its Secretary,
E Block, Central Secretariat,
New Delhi 110001.
2. The Government of India,
Ministry of External Affairs,
68, College Road, E.V.K.Sampath Maaligai,
7th Floor, Nungambakkam,
Chennai 600 006.
3. The Regional Passport Officer,
Chennai Royala Towers,
No.2 and 3, 4th floor,
Old NO.785, New No.158,
Anna Salai, Chennai 600 002.
4. The Inspector of Police,
Airport Police Station,
S-2, Meenambakkam,
Chennai 600 027.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to process the petitioner's application in File No.MA3062366297919 in a time bound manner.

For Petitioner : Mr.Labrar MD Abdullah

For RR1 to RR3 : Mr.Subbu Ranga Bhardhi

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to process the petitioner's application in File No.MA3062366297919 in a time bound manner.

2. The case of the petitioner is that the petitioner is a native of Tirunelveli District and he got married and having one child. He was employed as a labourer in various places across India as a Radio Operation. During the year 2006, the petitioner had approached a travel agent in Chennai, who had promised a job opportunity as a packager in Tokyo, Japan. In furtherance of the same, the petitioner had gone to Malaysia, wherein it was informed that the Visa for travelling to Tokyo would be arranged from there and unfortunately he was detained at Tokyo and sent back to India, when it was detected by the immigration authorities that his passport had been tampered with and it has been misused by another person at London. It is alleged by the petitioner that he was unaware and had nothing to do with the tampering of his passport. However, the 4th respondent herein had registered a case in Cr.No.459/2006 and the petitioner's passport was kept in the custody of the Court. Thereafter, the petitioner had applied for a fresh passport before the 3rd respondent on 16.08.2019 and the said application has not been processed till date for want of communication from High Commission of India, London. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that due to the act of the third party at London in misusing his passport, the application for issuance of a passport has been put on hold for the last two year without any reasons and the petitioner had also approached the 3rd respondent on numerous occasions in persons and due to the non processing of his application, the source of livelihood is affected and he has been put to irreparable loss. The learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to file fresh application for reissue of passport instead of issuance of fresh passport and may issue direction to the respondents so consider the said petitioner's application and pass orders on the same within a particular time frame, fixed by this Court.

4.The learned Government Advocate has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case permits the petitioner to file fresh application for reissue of passport before the appropriate authority and if any such application is filed for reissuance of passport, the said authority is directed to consider the same in accordance with law as expeditiously as

possible. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of India,
Ministry of External Affairs,
E Block, Central Secretariat,
New Delhi 110001.
2. The Government of India,
Ministry of External Affairs,
68, College Road, E.V.K.Sampath Maaligai,
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4. The Inspector of Police,
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S-2, Meenambakkam,
Chennai 600 027.

+1cc to Mr.I.Abrar MD Abdullah, Advocate, S.R.No.2627

W.P.No.15322 of 2021

MT(CO)
SU(09/02/2022)