

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.22270 OF 2021

D.Kandasamy

...Petitioner

Vs.

The Regional Passport Officer,  
Regional Passport Office,  
Royala Towers,  
No.2 and 3, IV Floor,  
Old NO.785, New NO.158,  
Anna Salai, Chennai 600 002.

...Respondent

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to reissue the passport in Passport No.H3518067 within time framed by this Court by considering the petitioner's reissue application dated 01.01.2021 and representation dated 04.09.2021.

For Petitioner : Mr.A.Ilaya Perumal

For Respondent : Mr.A.R.Sakthivel  
Central Government Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondent to reissue the passport in Passport No.H3518067 within time framed by this Court by considering the petitioner's reissue application dated 01.01.2021 and representation dated 04.09.2021.

2. The case of the petitioner is that the petitioner is doing business in selling the iron and steels. The petitioner is now having passport in passport No.H3518067, issued by the Regional Passport Officer, Chennai. Earlier the petitioner have taken the 1<sup>st</sup> passport during the year 1985 and the said passport was surrendered due to the fact that the same has not been renewed in time and it has been expired automatically due to non renewal of the same. After surrender, the petitioner took another passport in the year 1996 and during that period, there was a suit for recovery of money, wherein due to the order of

attachment, the petitioner's entire house hold articles have been attached, which includes family card, voter Ids, 2<sup>nd</sup> passport and etc., and therefore, the second passport was also not renewed and the same has been expired automatically, therefore the petitioner was constrained to take another passport. Due to his business development to go abroad for business, the said passport is utmost necessary for the petitioner and he started to go abroad from the year July 2009 and the said passport got expired on 07.05.2019 and he made a renewal application / reissue application to the respondent on 01.01.2021 to enable to travel to abroad for his business purpose. However the respondent refused to reissue the passport and the application is pending without any further action. The respondent has sent a notice dated 12.07.2021, calling upon him to explain the discrepancies regarding his reissue application and the petitioner has also made reply notice explaining the facts. In spite of that, his application for reissue of passport was not considered. Hence he made a representation dated 28.02.2021 by stating that he would ascertain the court attachment proceedings and requested to grant time for the period of three months. In the meantime, the respondent has sent another notice to submit the explanation, for which the petitioner made specific representation dated 04.09.2021, explaining the delay in ascertaining the court proceeding. Though the petitioner has submitted explanations, the respondent has refused to consider the reissue application dated 01.01.2021. Hence the petitioner is constrained to approach this Court by filing this writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not travelled to abroad by using the said passport in question and the same has not been misused by anyone and during the enquiry, the respondent has also admitted the said fact and stated that the passport in question was expired due to non renewal. However, the respondent has refused to consider his reissue application dated 01.01.2021 due to suppression of the said passport at the time of the applying for the third passport. Further there is no impediment for the respondent to consider his reissue application for reissuing the third passport, as the petitioner had already travelled abroad for business by using the third passport. Hence prays for appropriate orders of this Court.

4. The learned Central Government Standing Counsel appearing for the respondent submitted that the petitioner has conveniently suppressed several facts with regard to the losing of earlier passport. However, appropriate order will be passed on the reissue application of the petitioner dated 01.01.2021, in terms of the Passports Act, 1967.

5. Though very many grounds have been raised, in view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondent to consider the petitioner's reissue application dated 01.01.2021 on merits and in accordance with the Passports Act, 1967 and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

6. this Writ Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

The Regional Passport Officer,  
Regional Passport Office,  
Royala Towers,  
No.2 and 3, IV Floor,  
Old NO.785, New NO.158,  
Anna Salai, Chennai 600 002.

+1cc to Mr.A.Ilayaperumal, Advocate SR.No.363

+1cc to Mr.A.R.Sakthivel, Advocate SR.No.134

W.P.No.22270 of 2021

GJ(CO)  
RVM(25/01/2022)