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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.706 of 2017
and W.M.P.No.730 of 2017

Kathir Anand Duraimurugan

...Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Government of India,
Chennai Royala Towers Nos.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai 600 002.

... Respondent

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorari, calling for the records of the respondent in the impugned notice under Ref.No.SCN/304780321/16 dated 28.11.2016 and quash the same.

For Petitioner : Mr.P.Wilson
Senior Counsel
for M/s.Richardson Wilson

For Respondent : Mr.S.Makesh
Additional Central Government
Standing Counsel

ORDER

Challenge made in the Writ Petition is against the show cause notice dated 28.11.2016 in Ref.No.SCN/304780321/16, issued by the respondent.

2.When the matter is taken up for hearing, Mr.S.Makesh, learned Additional Central Government Standing Counsel appearing for the respondent submitted that a fresh show cause notice dated 04.01.2022 has been issued against the petitioner in supersession of the earlier correspondence bearing Ref.No.SCN/304780321/16 dated 28.11.2016, which is the impugned show cause notice issued by the respondent. Therefore, he



submitted that since the respondent has issued fresh show cause notice, the action will be taken only based on the fresh show cause notice dated 04.01.2022 and no action will be taken on the earlier show cause notice dated 30.12.2016.

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3.The learned Senior Counsel for the petitioner submitted that a fresh show cause notice has not been served on the petitioner, however, he fairly made a submission that in the event, the copy of the fresh show cause notice is produced before this Court, the same may be taken on record and orders may be passed accordingly.

4.The submission made by the learned Additional Central Government Standing Counsel appearing for the respondent is recorded. Since the respondent has issued fresh show cause notice dated 04.01.2022 against the petitioner in supersession of the earlier correspondence, based on the impugned show cause notice dated 28.11.2016, no action can be taken against the petitioner and the same is liable to be quashed. Accordingly, the show cause notice dated 28.11.2016 is quashed.

5.Accordingly, this Writ Petition is allowed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Government of India,
Chennai Royala Towers Nos.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai 600 002.

+1cc to M/s.Richardson Wilson, Advocate Sr.2549
+1cc to Mr.S.Makesh, Additional Central Government Standing
Counsel Sr.2890

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srg 03/02/2022