



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3213 of 2022

WEB COPY

V.Sappani

... Petitioner

Vs.

The Passport Officer,
Trichy Passport Office,
Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to reissue the petitioner's passport in ECNR Passport bearing No.L8295957 dated 04.04.2014 based on the petitioner's application dated 29.12.2021 within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.R.Murugappan

Central Government Standing Counsel

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to reissue the petitioner's passport with ECNR endorsement based on the petitioner's application dated 29.12.2021 within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he was issued passport in the year 2014. According to him, he has got employment in Dubai and his employers have requested him to get ECNR endorsement in his passport. Therefore, he has submitted an application on 29.12.2021 with the respondent for re-issuance of passport by making ECNR endorsement. Since the said application has not been considered till date, he has filed this writ petition.

3. Heard Mr.J.Jeyakumaran, learned counsel appearing for the petitioner and Mr.R.Murugappan, learned Central Government Standing Counsel who accepts notice for the respondent.

4. On instructions, the learned Central Government Standing Counsel would submit that since the First Information Report registered against the petitioner under Section 379 I.P.C., was suppressed in the application dated 29.12.2021, the request made by the petitioner seeking for ECNR endorsement in the passport was not considered till date. However, he would further submit on instructions that if the petitioner is able to convince the passport authority that ECNR endorsement can be issued in accordance with



law, the respondent will consider his request on merits and in accordance with law. The said statement is also recorded.

5. According to the learned counsel appearing for the petitioner, there is no statutory bar for the respondent to issue passport on account of pendency of the First Information Report. He has also stated that he has not suppressed any information in his application seeking for re-issuance of passport. All the above mentioned facts will have to be considered by the respondent while considering the application dated 29.12.2021 submitted by the petitioner seeking for re-issuance of passport with ECNR endorsement. No prejudice would be caused to the respondent, if the petitioner's application dated 29.12.2021 is considered on merits and in accordance with law.

6. Accordingly, this Court directs the respondent to consider the petitioner's application dated 29.12.2021 seeking for re-issuance of his passport with ECNR endorsement and pass final orders on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order after giving due consideration to the grounds raised by the petitioner in this writ petition and also after affording a fair hearing to the petitioner.

7. With the aforesaid directions, this writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

tsg

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

The Passport Officer,
Trichy Passport Office, Trichy.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-7204[F] dated 18/02/2022)

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-7209[F] dated 18/02/2022)

ORDER MADE IN

W.P. [MD]No.3213 of 2022

18.02.2022