



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.4085 of 2022

WEB COPY

B.Prabhu

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Road, Madurai - 625 002.

2.The Inspector of Police,
Immigration Unit,
Madurai Airport, Tamil Nadu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in respect of issue of Order / Notification C.No.01/Doc-V/PRO-MDU/2022 dated 04.02.2022 and quash the same and all orders/proceedings issued pursuant to the same and consequently, to direct the first respondent to re-issue petitioner's passport.

For Petitioner :Mr.Niranjana S.Kumar

For Respondents :Mrs.L.Victoria Gowri

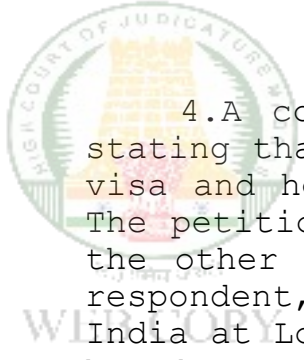
Assistant Solicitor General of India

O R D E R

This Writ Petition has been filed challenging the order, dated 04.02.2022 passed by the second respondent withholding the passport of the petitioner, which was issued on 01.10.2021 on the ground that the respondents have to verify the petitioner's name, his father's name, place of birth, date of birth and genuineness of his passport.

2.The contention of the petitioner is that he has obtained a valid Indian passport on 01.10.2021 bearing V2084220 issued by the High Commission of India at London, where, the petitioner is a permanent resident. According to him, he had come to India for the purpose of getting himself married. However, on 04.02.2022, his passport was withheld by the respondents, as seen from the impugned order. Aggrieved by the same, he has filed this Writ Petition.

3.According to the petitioner, he is an innocent person and the passport obtained by him at London is a genuine passport and only after police verification, the said passport was issued at London.



4.A counter affidavit has been filed by the first respondent stating that earlier, the petitioner had gone to London on a tourist visa and he has overstayed for a very long period of twenty years. The petitioner's name in the passport varies from his name found in the other records/certificates. Therefore, according to the first respondent, they have sought for a reply from the High Commission of India at London, with the scanned images of the documents submitted by the petitioner while applying for his passport. According to them, the genuineness of the passport and the details contained therein have to be verified and only thereafter, the first respondent can decide as to whether the passport can be restored back to the petitioner or not.

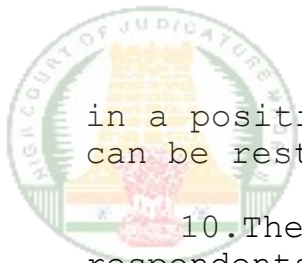
5.Admittedly, the petitioner had gone to London on a tourist visa and had overstayed himself there. Admittedly, he has obtained a passport only through High Commission of India at London. The petitioner had come to India and it was found on suspicion by the first respondent that the details contained in the passport may be incorrect. The name of the petitioner found in the passport is Balu Prabhu, whereas, his Aadhaar card and the residence permit in London and the birth certificate reveals the name as B.Prabhu.

6.According to the first respondent, only on that ground, the petitioner's passport was withheld on 04.02.2022. They have also sent a communication to the High Commission of India at London seeking a reply from them together with scanned images of the documents submitted by the petitioner in the High Commission of India at London to enable the first respondent to verify the genuineness of the documents submitted by the petitioner while seeking passport at London.

7.However, the learned Counsel for the petitioner, on instructions, would submit that the petitioner's residence permit at London expires on 20.03.2022 and therefore, the passport has to be restored back to him immediately to enable him to proceed to London within the deadline. The said statement is recorded.

8.However, as seen from the counter affidavit filed by the first respondent, there is suspicion with regard to the credentials of the petitioner. The petitioner has himself admitted that he had gone to London on a tourist visa and overstayed himself and was arrested thereafter. According to the petitioner, only after due verification of the documents submitted by him, the passport was issued by the High Commission of India at London on 01.10.2021

9.However, in view of the fact that the petitioner has been residing in London for almost twenty years, which is not in dispute without any passport, it creates suspicion. Therefore, only after a reply is received from the High Commission of India at London, the genuineness of the documents, that were submitted by the petitioner, and only thereafter, the first respondent will be



in a position to take a call as to whether the petitioner's passport can be restored to the petitioner or not.

10.The learned Assistant Solicitor General appearing for the respondents would submit that in all likelihood, within a period of one month, the entire process of examining the documents submitted by the petitioner while applying for the passport can be verified on receipt of a reply from the High Commission of India at London. The said statement is recorded.

11.This Court is of the considered view that one month time sought for by the learned Assistant Solicitor General for scrutinising the documents cannot be considered to be unreasonable. After recording the submissions made by the learned respective Counsels, this Writ Petition is disposed of by directing the first respondent to communicate their final decision with regard to withholding of the petitioner's passport and the restoration of the same to the petitioner on or before 18.04.2022. In case, the petitioner has to be enquired by the first respondent, he shall cooperate with the said enquiry, as and when the first respondent calls upon him to come for enquiry. No costs.

Sd/-

Assistant Registrar(CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Road, Madurai - 625 002.

2.The Inspector of Police,
Immigration Unit,
Madurai Airport, Tamil Nadu.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-12570[F] dated 16/03/2022)

Order made in
W.P. (MD)No.4085 of 2022
16.03.2022

ks (CO)

TR(22.03.2022) 3P 4C