



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.6764 of 2022

WEB COPY

Vasudevan

... Petitioner

Vs.

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

2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

... Respondents

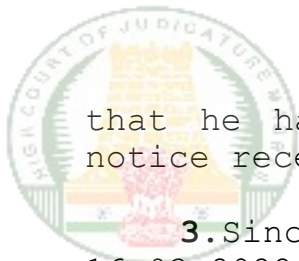
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to issue passport to the petitioner by considering his passport application in file number MD1063499632521 dated 06.08.2021.

For Petitioner	: Mr.K.Navaneetharaja
For Respondent No.1	: Mr.Ashok Kumar Ram, Central Government Standing Counsel
For Respondent No.2	: Mr.D.Sasikumar Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to issue passport in the name of the petitioner based on his application dated 06.08.2021, within a time frame to be fixed by this Court.

2.According to the petitioner, his photograph was misused by one P.Gunasekaran, while applying for a passport in his name. According to him, by misusing the photograph of the petitioner, Gunasekaran has also got the passport. According to him, only under those circumstances, the first respondent has not issued passport in the name of the petitioner till date, even though the same was applied on 06.08.2021. It is also the contention of the petitioner that a criminal complaint was lodged against Gunasekaran by the petitioner and an FIR has been registered against him in Crime No.300 of 2019 for the offences under Sections 419, 468, 471 IPC and Section 12(1)(b) of Passport Act, 1967. The petitioner also claims



that he has already submitted his explanation to the show cause notice received from the first respondent on 16.03.2022.

3. Since an explanation has been submitted by the petitioner on 16.03.2022 to the show cause notice sent by the first respondent, no prejudice would be caused to the first respondent, if the petitioner's explanation is considered on merits and in accordance with law after affording a fair hearing to the petitioner. It is for the first respondent to consider the explanation submitted by the petitioner on merits and in accordance with law and decide as to whether the petitioner will be entitled for a passport or not.

4. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application dated 06.08.2021 seeking for issuance of passport in his name after giving due consideration to the explanation submitted by the petitioner on 16.03.2022 and also after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

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

2. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

+1 CC to M/s.K. ASHOK KUMAR RAM, Advocate (SR-18089[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18850[F] dated 13/04/2022)

W.P. [MD]No.6764 of 2022

12.04.2022

MGJ(27.04.2022) 2P 5C

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