



Cont.P.(MD) No.1222 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Cont.P.(MD) No.1222 of 2022

H.Abdul Rahman

... Petitioner

/vs./

T.Arun Prasad

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings against contemnor/respondent in the main writ petition for their wilful disobedience and wilful violation of the order passed by this Court in W.P.(MD) No.21292 of 2021 dated 30.11.2021 and punish the respondent for the contempt committed by him.

For Petitioner : Mr.S.Mahesh Babu

For Respondent : Mrs.L.Victoria Gowri

Assistant Solicitor General of India

ORDER

This Contempt Petition has been filed to initiate contempt proceedings against the respondent for violating the order passed by this Court in W.P.(MD) No.21292 of 2021 dated 30.11.2021.



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2.Perusal of record shows that W.P.(MD) No.21292 of 2021 has been filed by the petitioner herein to direct the respondent therein to consider the representation dated 11.06.2021 by issuing passport to him. This Court, after issuing notice to the respondent, vide order dated 30.11.2021, had disposed of the said writ petition, directing the petitioner to produce all the relevant documents with respect to the name of his mother/Sabiya and also produce his 10th std., certificate for proof of his date of birth. On examining the records of the petitioner, a direction was also given to the respondent to do the necessary needful without any delay within a period of three weeks from the date of such personal examination of the petitioner and the documents presented by him.

3.Now, the petitioner has filed this contempt petition stating that even though he has enclosed the 10th std., mark sheet to prove his date of birth and other relevant documents along with application, the respondent by violating the order of this Court dated 30.11.2021 had sent letters on 03.01.2022 in 2200001-CPL-MDU directing him to produce the birth certificate and on 04.01.2022 in 2200001-CPC-MDU directing him also to produce the proof for the place of birth.



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4.Mrs.L.Victoria Gowri, learned Assistant Solicitor General, who takes notice for the respondent, had filed a counter affidavit today.

5.In the counter affidavit, it has been stated that the petitioner had applied for fresh passport on 16.09.2010, vide file Ref.No.MDUA02170910. In the application, he has stated that his place of birth is Madurai and with regard to his date of birth, he has produced his school Transfer Certificate. After verification, his application was processed and the passport bearing No.J3856403 dated 21.10.2010 valid up to 20.10.2020 mentioning his place of birth as Madurai was also despatched to him.

6.Now the petitioner has applied for re-issuance of passport. While processing his application, it is noted that the petitioner was already in possession of Passport No.N812688, which was obtained from Regional Passport Office, Trichy, wherein it has been mentioned that the petitioner's place of birth is Chittarkottam, Ramanad District. It is also noted that suppressing the fact that the petitioner is already in possession of such passport, he obtained another passport from the Regional Passport Office, Madurai in Passport No.J3856403 dated



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20.10.2020. Hence, a show cause notice was issued to the petitioner to submit his explanation. Since the petitioner was in possession of two different passports issued by the different Passport Office with different place of birth, he was also informed to submit his birth certificate in support of his claim for his correct place of birth. Aggrieved by the same, he has filed W.P.(MD) No.21292 of 2021 before this Court seeking direction for issue of passport stating the place of birth as Madurai, which was disposed of by this Court vide order dated 30.11.2021 as stated above.

7.In compliance of the order of this Court dated 30.11.2021, the petitioner appeared and submitted his explanation on 06.12.2021 before the respondent. However, he has not produced the mandatory documentary evidence as stated by this Court in support of his place of birth, as the subject matter is that the petitioner was in possession of two different passport with different place of birth. Hence, the learned Assistant Solicitor General sought to dismiss this petition.

8.Even though the petitioner has been granted sufficient time to produce his birth certificate in support of his claim on his correct place of birth, in pursuance



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of the direction of this Court dated 30.11.2021 in W.P.(MD) No.21292 of 2021, he has failed to produce relevant records. Hence, the respondent is not in a possession to renew or reissue the passport. As per Section 10(3)-b of the Passport Act, 1967, if the holder of such passport obtains another passport, the passport authority shall also impound or cause to be impounded or revoke such other passport. The respondent, as per the order of this Court, directed the petitioner to produce his birth certificate in support of his claim on his correct place of birth. But the petitioner has failed to do so. Hence, this Court finds that there is no wilful default on the part of the respondent.

9.In the result, this Contempt Petition stands closed.

Index : Yes / No
Internet : Yes / No
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