



W.P.(MD).No.20452 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.20452 of 2022

G.R.Vijaysukumaran

... Petitioner

VS.

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

2.The Commissioner of Police,
Pudur Road,
Madurai.

3.The Inspector of Police,
C-3, Police Station,
S.S.Colony,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to renew the petitioner's passport submitted on 01.08.2022 the application No.221008669093 and hand over the passport to the petitioner by fixing



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a time frame fixed by this Court.

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For Petitioner : Mr.R.Ramasamy
For R1 : Mr.D.Saravanan
Central Government Standing Counsel
For R2&R3 : Mr.B.Thanga Aravindh

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to renew the petitioner's passport submitted on 01.08.2022, the application Number is 221008669093 and hand over the passport to the petitioner.

2. The case of the petitioner is that he started advertisement business in the year 1997 and taken passport in the year 1999. Thereafter, he obtained a passport in the year 2006. Based on the complaint given by an unauthorized persons, the authorities have called the petitioner for an enquiry and he appeared and they have taken his passport and also demanded to surrender the first passport. He missed the first passport and gave a letter to the second respondent. In the meanwhile, the petitioner



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filed a writ petition in W.P.(MD)No.8908 of 2019 and the first respondent has filed a counter stating certain allegations against him. After hearing the arguments, this Court has passed an order to release the impounded passport forthwith on 12.07.2022. Pursuant to which, the petitioner has approached the first respondent. But the first respondent has given the passport after two days from the date of submission of the Court order. After obtaining the passport, he found that the passport expired and therefore, he submitted an application before the first respondent to renew his passport, on 01.08.2022. But instead of printed acknowledgement, the first respondent issued a Xerox acknowledgement. Thereafter, the police came for verification of his documents and other things and the third respondent police has asked to produce the acknowledgement and he enquired the petitioner and finally seeing the order of this Court, dated 12.07.2022, immediately forwarded the true report to the second respondent. Subsequently, the second respondent forwarded the report to the first respondent. However, the first respondent purposely and intentionally denying to issue passport to the petitioner. Hence, he has approached this Court.



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3. The learned Central Government Standing counsel appearing for the first respondent has filed a counter stating that the petitioner had initially obtained a fresh passport bearing No.A8359693 dated 16.11.1999 valid up to 15.11.2009 from Regional Passport Office, Chennai. In the initial passport application, the petitioner declared his personal particulars as follows:

Name of the passport applicant	Father's Name	Mother's Name	Date of birth	Place of birth	Spouse Name
G.Vijay Sugumaran	Govindarasu	Gandhi mathi	07.05.1968	Harur	Rajakumari

4. The petitioner along with his passport application has produced his Transfer Certificate bearing Admission No.1893/85-86 issued by Head Master, Government Higher Secondary School, Harur, Dharmapuri District as a proof of his date of birth as 07.05.1968. Thereafter, he has applied for re-issuance of passport at Regional Passport Office, Trichy reporting that the initial passport was lost and he has mentioned his place



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of birth as Karur, Tamil Nadu. The passport application was processed and passport was issued to the petitioner.

5. The complainant Shri.M.Kannan had mentioned that the petitioner is in possession of two valid parallel passport with different particulars and requested to initiate necessary legal action against him for making forgery passport, smuggling of gold and illegal transportation. The scrutiny of passport applications of both the passports reveals that the petitioner by suppressing the initial passport had managed to obtain a parallel passport valid up to 17.08.2016. Furthermore, the petitioner has obtained a re-issued parallel passport valid up 17.01.2021. Following information reveals the tactics of the petitioner exercised in obtaining two different passports parallelly with entirely different personal particulars:

Name of the passport applicant	Vijay Sugumaran	Vijaya Sukumaran
Date of Birth	07.05.1968	05.07.1967
Place of Birth	Harur/Karur	Madurai



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Father's Name	Govindarasu	Govintharasu
Mother's Name	Gandhimathi	Ganthimathi
Spouse's Name	Rajakumari	Lavanya
Passport No.	A8359693 Dt.16.11.1999	F9124876 Dt.18.08.2006
Re-issued Passport No.	F8641248 Dt.19.06.2006	J5650122 Dt.18.01.2011

6. Hence, a show cause notice dated 09.02.2017 was issued to the petitioner to submit his explanation regarding the circumstances under which he had suppressed the material information of passport already obtained and managed to obtain another fresh passport. In his explanation, he has stated that he informed his name and date of birth to an agent viz., Chandran and thereby managed to get a passport with the said particulars. Since the action of the petitioner having done so attracts Section 10(3)(b) and 12.(1)(b) of Indian Passports Act, 1967, the matter was referred to the Commissioner of Police, Madurai on 08.02.2017 followed by reminders dated 23.02.2017 and dated 28.11.2017 along with the copy of the letter sent by the complainant for necessary action against the petitioner in accordance with law. The Commissioner of



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Police, Madurai in his report dated 24.04.2019, had submitted the version of the petitioner. Again the matter was referred to the Commissioner of Police, Madurai through a detailed letter dated 24.01.2018, to investigate the matter. While the action taken report against the petitioner is still awaited, the petitioner, by suppressing all the above vital information, has filed a writ petition before this Court and obtained an order of this Court. Pursuant to which, the passport No.F5650122, dated 18.01.2022 was immediately handed over to the petitioner.

7. The Head Master, Government Boys Higher Secondary School, Harur Taluk, Dharmapuri in his reply dated 23.09.2022, received on 28.09.2022, had informed that as per the verification of records, the Transfer Certificate bearing No.143/87 and Admission No.1893/85-86 purported to be issued by the said School is not issued by them and mentioned in his reply that the Transfer Certificate submitted by Shri G.Vijay Sugumaran, the petitioner is 'Not Genuine Certificate'. Therefore, it is again evident that the petitioner's action having done so attracts Section 10(3)(b) and 12(1)(b) of Indian Passports Act, 1967.



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Therefore, a show cause notice is being issued to the petitioner to submit his explanation and on receipt of the explanation from the petitioner, the matter will be referred to the Commissioner of Police, Madurai for further action, as per law.

8. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent and the learned Government Advocate (Crl.side) appearing for the second and third respondents.

9. The petitioner claims that an information given by him is accuracy. As per Section 10(3)(b) of Indian Passports Act, 1967, the passport authority may impound or cause to be impounded or revoke a passport or travel document, if the passport or travel document was obtained by suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf. The petitioner's wife name is Rajakumari and he divorced her and remarried again one Lavanya. There is no



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suppression of material facts is not accepted. It is not known whether he has submitted all material facts before the said authority while asking for fresh application of passport. From the said dates of issuance of Passport No.A8359693, dated 16.11.1999, alleged to have been reissued in Passport No.F8641248, dated 19.06.2006 and he has also obtained another Passport No.F9124876, dated 18.08.2006 and renewed on 18.01.2011, it is seen that the petitioner was holding two passports viz., Passport No.F8641248, dated 19.06.2006 and Passport No.F9124876, dated 18.08.2006. Hence, this Court finds that the petitioner has suppressed the vital materials and it has been rightly pointed out by the respondents. Hence, the petitioner's prayer for directing the respondents to renew the petitioner's passport in application No.221008669093 cannot be accepted and the same is rejected.

10. The Commissioner of Police, Madurai City, Madurai requested that a proper report against the said G.R.Vijaya Sugumaran may be furnished by the officer nominated with his name, address, designation etc., in order to register an F.I.R., against the said person by the



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Commissioner of Police, under Section 12(1)(b) of Passport Act, 1967.

Therefore, this Court directs the first respondent to give details within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Commissioner of Police, Madurai City, Madurai is directed to take further action in this regard.

11. In the result, this Writ Petition is dismissed. No costs.

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Index:Yes/No

Internet:Yes/No

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To

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

2.The Commissioner of Police,
Pudur Road,
Madurai.

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3.The Inspector of Police,
C-3, Police Station,
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