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W.P.No.8061 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8061 of 2019

M.Satgurunathan

... Petitioner

Vs.

1.The Regional Passport Officer
Roya Towers No.2 and 3,
IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai – 600 002.

2.The Immigration Officer,
Chennai International Airport,
Chennai – 600 027.

(R2 impleaded vide order dt. 16/04/2019,
made in WMP.11730/19 in WP.8061/19
by KRCBJ)

3.The Zonal Deputy Tahsildar,
Tiruchirapalli.
(R3 Suo-motu impleaded vide
order dt. 28/9/2020 made in
WP.8061/2019 by KRCBJ)

4.The District Collector
Tiruchirapalli.

5.The Tahsildhar
Tiruchirapalli.

(R4, R5 Suo-motu impleaded vide
order dt. 03.08.2022 made in
WP.8061/2019 by RSMJ)

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to immediately release the petitioner's passport bearing No.R0272723.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.S.Janarthanan for R1 and R2
SPCGL
Mr.K.M.D.Muhilan for R3
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondent to immediately release the petitioner's passport bearing No.R0272723.

2.The case of the petitioner is that the petitioner had booked ticket for himself and his family for travelling to Colombo dated 25.08.2018. After security clearance, when the petitioner and his family proceeded for immigration clearance, the passports of the petitioner and his wife were seized and hence the petitioner issued lawyer's notice to the respondent. The respondent asked the petitioner to produce his original birth certificate and the petitioner



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also produced the same, however, his passport was not returned.

Hence, this writ petition.

3.In the counter affidavit filed on behalf of the first respondent it is stated that place of birth of the petitioner in the Indian Passport shows as Trichy. It is further stated that the first respondent has requested the Commissioner, Trichy Corporation, vide letters dated 01.04.2019, 07.05.2019 and 23.07.2019 to confirm the genuineness of the birth certificate furnished by the petitioner. In turn the City Health Officer, Tiruchirapalli City Corporation vide letter dated 21.08.2019 had requested the Sub – Registrar, K.Sathanoor, Trichy to send reply to the first respondent. The reply from the Sub – Registrar is awaited and on receipt of the reply from the Sub – Registrar, K.Sathanoor, the first respondent will take appropriate action as per the Passports Act, 1967.

4.This Court in the order dated 03.08.2022 made in this writ petition had observed that 'The District Collector, Tiruchirapalli is required to file an affidavit stating that whether the request of the passport Office dated 23.07.2019 has been complied with or not. If it has not been complied with, The District Collector shall file an affidavit



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giving the reasons as to why it has not been complied with till date and the Officers who are responsible for such non – compliance', pursuant to which, the District Collector, Tiruchirapalli, filed an affidavit dated 23.08.2022.

5.It is stated in the affidavit of the District Collector, Tiruchirapalli, dated 23.08.2022 that the birth certificate produced by the petitioner seems to have been issued by the Zonal Deputy Tahsildar, Tiruchirapalli on 04.04.1989, however, it was found that the post of Zonal Deputy Tahsildars, in Tamil Nadu Revenue Administration was created only as per G.O.Ms.No.921, Revenue Department on 15.06.1991 and no such post existed on the crucial date 04.04.1989 and the birth certificate issued in favour of the petitioner is a bogus one. Hence, the birth certificate produced by the petitioner is a bogus one.

6.In view of the above, this Court cannot adjudicate the issue in this writ petition. Since in the affidavit of the District Collector, Tiruchirapalli, dated 23.08.2022, it has been categorically stated that the birth certificate produced by the petitioner is a bogus one, the first respondent is directed to conduct adjudication and pass appropriate



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orders within a period of eight weeks from the date of receipt of a copy of this order, based on the reply from the Sub - Registrar, K.Sathanoor, Trichy.

7.The writ petition is accordingly dismissed. No costs.

17.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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New No.158, Anna Salai,
Chennai – 600 002.
- 2.The Immigration Officer,
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M.DHANDAPANI,J.
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