



W.P.No.22037 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.22037 of 2022

Angela Lawitlangpui

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Sastri Bhavan,
Haddows Road,
Chennai.

... Respondent

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to issue a passport to the petitioner under the provisions of the Passport Act, 1967, subject to compliance of all rules and regulations as mandated for the same.

For Petitioner : Mr.Sharath Chandran,
for Mr.Prashant Rajagopal

For Respondent : Ms.Anuradha



ORDER

The petitioner hails from Manipur and she was issued with a passport by the respondent. Later she was asked to surrender the same on the allegation that she had obtained the passport based on certain false information. The authority in the counter indicates that a show cause notice too has been issued dated 24.08.2023.

2.Heard Mr.Sharath Chandran, learned counsel appearing for Mr.Prashant Rajagopal, learned counsel for the petitioner and Ms.Anuradha, learned Central Government Standing Counsel for the respondent.

3.Learned counsel for the petitioner submitted that the petitioner since native of Manipur, was applied for passport through a certain Agent and the Agent had fabricated certain documents and applied for the passport. Learned counsel submitted that if only the agent had asked for the correct particulars, the petitioner would have willingly given. The fraud played by the Agent came to her knowledge only when the notice of the respondent reached her to require her to return the passport. He added that the petitioner is not a fraudulent but victim of a fraud played by the Agent. Today, she as an independent citizen is stranded with out an Indian passport, submitted the counsel.



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4.Learned counsel for the respondent submitted that the passport authority has intimated the police officials and that the petitioner is refusing to cooperate with the investigation, excusing herself every time on the pretext of pending Writ Petition. She also added that the passport authority is contemplating impounding the passport.

5.There are two aspects: (a) Issuance of a passport on alleged fabricated documents and false information; and (b) Right of the petitioner to obtain a fresh passport.

6.So far as the aspect in (a) is concerned, even the petitioner does not oppose the idea that the passport earlier issued on wrong information shall have to go. At any rate it must go since the information provided are false. This Court understands that even the date of birth of the petitioner was wrongly given.

b) Turning to the next aspect regarding the right of the petitioner to obtain a fresh passport on correct information is concerned, that the reasons stated above is not listed as one of the grounds under Section 6 of the Passport Act. At the end of the day, the passport is only a travel document as contemplated under Section 3 of



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the Passport Act, 1967. To deny the petitioner passport eternally is likely to infringe the right to travel abroad, which is a recognised fundamental right under Article 21 as upheld by the Hon'ble Supreme Court in ***Menaka Gandhi versus Union of India***, AIR 1978 SC 597. The fundamental right even if it has to be interfered can be only in terms of a procedure established by law and inasmuch as Section 6 of the Passport Act does not envisage a situation such as this, it cannot be said that the petitioner can be denied a passport on she providing correct material particulars.

7. So far as the proceedings which she may have to face for providing false information on the earlier occasion etc., are concerned, the petitioner has to face it, if it is contemplated by the authority concerned. However, vis-a-vis, she applying for a fresh passport, for the reasons stated above, this Court does not find any reason why she cannot apply for a fresh passport with correct material particulars again.

8. This Court only directs the petitioner to apply for fresh passport with all correct



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material particulars if she is so desirous, and it may be considered by the

respondent in terms of law as has been explained by this Court above.

9.This Writ Petition stands disposed of accordingly. No Costs.

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pvs

Index : Yes / No

Neutral citation : yes/no

To

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N.SESHASAYEE, J.

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