



W.P.No.22512 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.10.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.22512 of 2023
& WMP.Nos.21951 & 21952 of 2023

M.Satgurunathan

... Petitioner

vs.

1. The Regional Passport Officer
Royala Towers No.2 and 3,
IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai – 600 027.
2. The Immigration Officer
Chennai International Airport
Chennai – 600 027.
3. The Zonal Deputy Tahsildar
Tiruchirapalli.
4. The District Collector
Tiruchirapalli.
5. The Tahsildar
Tiruchirappalli.

... Respondents



W.P.No.22512 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari to call for the records pertaining to the impugned order bearing Letter Ref.No.IMP/315069735/23 dated 16.06.2023 issued by the 1st respondent and quash the same.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.S.Janarthanan (R1 and R2)
Senior Panel Counsel
Mr.M.Rajendiran (R3 to R5)
Additional Government Pleader

ORDER

The challenge is to an order dated 16.06.2023 impounding passport bearing No.R0272723 issued on 25.05.2017 ('passport in question') to the petitioner. The passport had been impounded on 25.08.2018.

2.The petitioner had earlier approached this Court in WP.No.8061 of 2019 seeking a mandamus to the respondents to release the petitioner's passport. In the course of that writ petition, the stand of the respondents was that the birth certificate produced by the respondents was bogus and that the passport has been obtained giving a wrong place of birth and suppressing the correct nationality. That writ petition has been disposed on 17.03.2023 and the first respondent was directed to conduct adjudication and pass appropriate



W.P.No.22512 of 2023

orders in regard to the petitioner's request for release, within a period of eight (8) weeks from date of receipt of a copy of that order.

3. Thereafter, the 1st respondent has issued a show cause notice on 02.05.2023 seeking clarification on the alleged deficiencies in the application. The 1st respondent reiterated that the passport issued had been obtained with the wrong place of birth and suppressing the nationality of the applicant. The petitioner responded on 18.05.2023 pointing out that a Writ Appeal had been filed as against order dated 17.03.2023 passed in WP.No.8061 of 2019.

4. While requesting that the proceedings may be kept in abeyance, the petitioner requested that hearing may be fixed in the matter prior to disposal of the objections. Without hearing the petitioner, the impugned order has come to be passed on 16.06.2023, aggrieved with which, the present writ petition has been filed.

5. In the course of hearing before me, both Mr. Hari Radhakrishnan, learned counsel for the petitioner, Mr. S. Janarthanan, learned Senior Panel Counsel for R1 and R2 and Mr. M. Rajendiran, learned Additional Government Pleader for R3 to R5 would concur on the position that it would be appropriate that the direction in order dated 17.03.2023 in WP.No.8061 of 2019 may be carried out after the writ appeal in WA.No.1240 of 2023 is decided.



W.P.No.22512 of 2023

WEB COPY

6. Recording this, this writ petition is disposed and the impugned order is set aside as it is clearly contrary to the principles of natural justice. Needless to state possession of the passport in question will remain with the authorities till, and subject to disposal of WA.No.1240 of 2023. No costs. Connected miscellaneous petitions are closed.

11.10.2023

vs

Index : Yes/No

Speaking order

Neutral Citation : Yes

To

1. The Regional Passport Officer
Royala Towers No.2 and 3,
IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai – 600 027.
2. The Immigration Officer
Chennai International Airport
Chennai – 600 027.
3. The Zonal Deputy Tahsildar
Tiruchirapalli.
4. The District Collector
Tiruchirapalli.
5. The Tahsildar
Tiruchirappalli.



WEB COPY



W.P.No.22512 of 2023

Dr.ANITA SUMANTH, J.

VS

W.P.No.22512 of 2023
& WMP.Nos.21951 & 21952 of 2023

11.10.2023