



WEB COPY



W.P.No.29417 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

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MR.JUSTICE N.SESHASAYEE

W.P.No.29417 of 2019
and W.M.P.Nos.29258 and 29260 of 2019

Rajasekaran Kulasekaran

... Petitioner

Vs.

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

... Respondent

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the impugned proceeding No.IMP/308930105/19 dated 24.07.2019 issued by the respondent against the petitioner and quash the same and consequently direct the respondent to return the petitioner's passport within a time period fixed by this Court.

For Petitioner : Mr.Naveen Kumar Murthi

For Respondent : Mr.K.Subbu Ranga Bharathi
C.G.C.



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ORDER

The grievance of the petitioner is that his passport has been impounded and that it has not been renewed.

2.The respondent vide proceedings dated 24.07.2019 has recorded its reasons for impounding the passport as there was suppression of certain material facts by the petitioner.

3.Heard both sides.

4.It emerges on hearing and perusal of papers that the authorities chose to impound the passport on the solitary ground that the petitioner had provided two different places at two different points of time as his place of birth. He first makes a statement that he was born in Trichy and then he makes a next statement that the former statement was mistakenly made, and that he was born only in Madurai. Since there is uncertainty about the place of birth of the petitioner, the authorities chose to impound it.



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5.Learned counsel for the respondent brought to the notice of the Court that show cause notice issued by the respondent dated 09.05.2019 to show cause as to why action under Section 12(i)(b) of the Passport Act might not be initiated against the petitioner. He added that notice was also issued to the petitioner prior to the passing of the impugned order on 05.04.2019. He submits that till date the petitioner has not provided any material particulars.

6.This Court may not decide on any disputed question of fact as to the place of birth of the petitioner. Instead, the petitioner is directed to appear before the authority concerned. The respondent is now required to issue a fresh show cause notice to the petitioner and the petitioner is required to satisfy the requirements of the authorities, if he is so desirous.

7.This writ petition stands disposed of accordingly. No costs.

03.07.2023

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Index : Yes / No

Neutral citation : yes/no



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N.SESHASAYEE, J.
kas

To

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