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W.P.(MD)NO.8282 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8282 of 2021 and
W.M.P.(MD)No.6269 of 2021

V.Devakumar

... Petitioner

Vs.

1. The Regional Officer,
Regional Passport Office,
Race Course,
Near Thamaraitthotti Bus Stop,
Madurai – 625 002.
2. The Passport Officer,
Passport Seva Kendra,
Passport Office,
Claret Plaza, No.2, Melakaal Road,
Kochadai,
Madurai – 625 016.
3. The Inspector of Police,
B5-South Gate police station,
Madurai City,
Madurai – 625 001.
4. S.Maharajan
5. The Assistant Engineer,
TANGEDCO, South Gate, Madurai.
(R-5 is suo motu impleaded
vide order dated 11.01.2023)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioner's objection to issue passport to the 4th respondent under the passport application file No.MD1063368356921 dated 08.04.2021 and also on the basis of the police verification report by the 3rd respondent police.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R-1 & R-2 : Mr.K.Asok Kumar Ram,
Senior Panel Counsel.

For R-3 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

For R-5 : Mr.S.Deenadhayalan,
Standing Counsel.

For R-4 : Mr.D.S.Haroon Rasheed

* * *

ORDER

Heard the learned counsel on either side.

2. The fourth respondent had taken passport from the first respondent. The grievance of the writ petitioner is that this was issued without taking into account the objections



lodge by him. The specific allegation of the writ petitioner is that the fourth respondent was never residing in the address mentioned in his application. He also would fault the jurisdictional police for not having conducted proper verification.

3. It is true that during the relevant time, the fourth respondent was not facing any criminal prosecution. Therefore, the first respondent was justified in issuing passport to the fourth respondent. But I must endorse and sustain the stand of the petitioner's counsel that in the passport application, the current address must have been furnished. I censure the fourth respondent for not having given the exact residential address in his passport application. It is further pointed out by the petitioner's counsel that the fourth respondent has availed loans from two banks and that the complaint under Section 138 of the Negotiable Instruments Act is pending.

4. The fourth respondent is directed to file an affidavit before this Court setting out his current residential address



and give an undertaking to inform the creditor banks as well as the petitioner if there is any change in address. I make it clear that if this undertaking is breached, this Court will not hesitate to deal with the fourth respondent appropriately and in the manner known to law. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Regional Officer,
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Madurai – 625 002.
2. The Passport Officer,
Passport Seva Kendra,
Passport Office, Claret Plaza, No.2, Melakaal Road,
Kochadai, Madurai – 625 016.
3. The Inspector of Police,
B5-South Gate police station,
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4. The Assistant Engineer,
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G.R.SWAMINATHAN,J.

PMU

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12.01.2023