



W.P(MD)No.13587 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13587 of 2022

Mohamed Farook

... Petitioner

Vs.

- 1.The Union of India,
Rep. by its Principal Secretary,
Ministry of External Affairs,
Union of India, E Block,
Central Secretariat,
New Delhi.
- 2.The Union of India,
Rep. by the Principal Secretary,
Ministry of Overseas Indian Affairs,
Jaisalmer House, Mansingh Road,
New Delhi.
- 3.The High Commission of India,
Wisma, Hrih Lotus,
Level I, 442, Jalan Pahang,
Setapak-53000,
Kuala Lumpur, Malaysia.
- 4.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-2.
- 5.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned closure letter vide Ref. No.SCN/310959191/21 dated 21.06.2021 issued by the 4th respondent and quash the same as illegal and consequently direct the 4th respondent to re-issue the passport based on the petitioners re-issue application in File No.MD1072038552719 dated 10.04.2019 submitted to the 4th respondent.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.K.Prabhu
CGSC for R1 to R4

: Mr.A.Albert James
Government Advocate for R5

ORDER

Heard both sides.

2. The petitioner was born as Abdul Mubarak. He obtained passport in the year 1995. Subsequently, the petitioner got his name changed as Mohammed Farook. Gazette publication was also effected in 2008. The petitioner probably had some difficulties in obtaining renewal of his earlier passport. He therefore submitted a fresh application and got a new passport in the name of Mohammed Farook. The document submitted by the petitioner for getting the second passport was fabricated. When this came to light, complaint



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was lodged and Crime No.73 of 2021 was registered by the Inspector of Police, Paramakudi Town Police Station. When the petitioner applied for re-issuance, the authorities made it clear that only after the criminal case is closed, his application will be considered.

3. I wanted to know from the learned Government Advocate as to what happened to the FIR registered by the fifth respondent. It is stated that FIR is still pending. Slackness exhibited by the Paramakudi Town Police Station cannot be appreciated. When a complaint is lodged by the passport authority, the jurisdictional police will have to take effective steps. If allegations of forgery and fabrication of the documents are set out in the complaint of the passport authority, FIR has to be registered immediately. Investigation must be conducted expeditiously. Final report must be filed promptly. In this case, for more than 2 ½ years, nothing had taken place.

4. I censure the office of the Inspector of Police, Paramakudi Town Police Station for not having filed a final report in time. Of-course, I am not faulting a particular individual. It is for the Superintendent of Police, Paramakudi to take note of the delay on the part of the concerned IO. The 5th respondent is directed to file final report within a period of four weeks from today. The petitioner will have to necessarily face the consequences for having obtained two different passports in different names. Of-course, I notice that it



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was Abdul Mubarak who became Mohammed Farook. But then, two passports could not have been obtained in different names. In any event, what troubles me is the submission of the fabrication of the document while obtaining the second passport. Therefore, the petitioner is denied relief for the present. The petitioner can approach this Court again after a lapse of six months. The compliance report will be submitted before the Registry of this Bench.

5. The Writ Petition is dismissed with the aforesaid direction. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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