



W.P(MD)No.17233 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17233 of 2022

Sathath Thoubek

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to renew the petitioner's passport bearing No. F2764685 and consequently issue the renewed passport to the petitioner on the basis of the petitioner's representation dated 26.04.2022, within a time frame fixed by this Court.

For Petitioner : Mr.K.Yasar Arafath

For Respondents : Mr.Y.Sasikumar for R1

: Mr.A.Albert James
Government Advocate for R2



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ORDER

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Heard both sides.

2. The petitioner is a resident of Ramanathapuram. He applied for passport in the year 2005. The case of the petitioner is that the application given through the travel agent was not processed. Therefore, he had approached another travel agent and the second application was submitted. It so happened that the second travel agent had fabricated certain documents. In the end, both the applications were accepted and two passports came to be issued in favour of the petitioner.

3. The petitioner's case is that he never used the second passport. He left India and was working in Southi Arabia only on the strength of the first passport. He states that he surrendered the second passport. He also submitted the letter pleading guilt. The petitioner is without any passport for the last 9 years. The passport authority have given a complaint in this regard. Crime No. 249 of 2019 was registered on the file of the second respondent. It is unfortunate that the second respondent has not conducted any investigation for the last 4 years. The second respondent is directed to file final report within a period of three months from today.

4. The petitioner has to give an undertaking before the second respondent setting out his exact contact details. This is necessary because when the final



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report is filed and it is taken cognizance, on account of the petitioner's absence, the prosecution should not be delayed. The petitioner if necessary will have to file an application under Section 205 of Cr.P.C during the relevant time so that the criminal case is not affected. The petitioner through his counsel gives an undertaking before this Court that he will extend his fullest co-operation by engaging a counsel through special vakalat for speedy disposal of the case.

5. Though holding of double passports cannot be overlooked, taking into account the fact that for full 9 years, the petitioner has been put to hardship, the petitioner is permitted to submit an application for issuance of fresh passport and restoration of passport facility. On such application being filed, if there is no other impediment, the first respondent is directed to consider the same favorably.

6. The Writ Petition is allowed on these terms. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
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To

The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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