



W.P(MD)No.22808 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22808 of 2022

Valan Kanakurajendran

... Petitioner

Vs.

1.The Secretary to Government,
Ministry of External Affairs,
New Delhi.

2.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

3.The Immigration Officer,
Trivandrum International Airport,
Trivandrum, Kerala.

... 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 respondents 1 and 2 to return the petitioner's passport in Passport No.S5850699 in favour of the petitioner as soon as possible by considering the petitioner's representation dated 02.08.2022.



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For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mrs.L.Victoria Gowri,
Assistant Solicitor General.

ORDER

Heard the learned counsel on either side.

2.The petitioner is holder of Indian passport. It was seized by the passport authorities. The petitioner seeks return of the same. There is only one impediment coming in the way. The petitioner had travelled to Yeman in violation of the notification issued by the Government of India. The Ministry of External Affairs vide notification dated 26.09.2017 in S.O. 3223(E) had specifically mandated that the passport or travel document issued by the Central Government is invalid for the travel of holder to Yeman and that any Indian national who travels to Yeman in violation, shall be liable for action under the provisions of Passports Act. The petitioner is employed in a company known United Al Saqer Heavy Equipment LLC, Abu Dhabi. The said company had deputed the petitioner to go Yeman to impart training for a week. The said company is engaged supply of cranes.



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3.The respondents have issued communication dated 15.12.2022 calling upon the petitioner to furnish details on the mode of his travel to Yeman and the correct reason for travel and stay at Yeman. The learned counsel for the petitioner relies on the order dated 26.09.2022 made in W.P.(C) No.12078 of 2022 by the Hon'ble Division Bench of Delhi High Court. The Hon'ble Division Bench of Delhi High Court in the said decision had called upon the competent authority to take call on the request of the petitioner therein within eight weeks.

4.I am conscious that this Court will not be justified in issuing any positive or definitive direction to the respondents. But this Court calls upon the respondents to bear in mind the special facts and circumstances of the case. The petitioner's livelihood is at stake. His wife and children are at Abu Dhabi. The petitioner is stranded in India. If the passport is not returned to the petitioner, he cannot return to Abu Dhabi for employment purposes and his family may be compelled to come down to India. If the respondents are satisfied that the petitioner had genuinely erred, they can take indulgent and lenient view of the matter. The petitioner shall appear before the second respondent on 19.01.2023 at 03.00 pm and offer his explanation. The second respondent will send his report to the first respondent or the authority



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competent to decide the issue within a period of ten days thereafter. The competent authority or the first respondent will decide the issue as regards returning the passport to the petitioner within a period of eight weeks thereafter.

5.The writ petition is disposed of accordingly. No costs.

10.01.2023

NCS :Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 20.01.2023.



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G.R.SWAMINATHAN, J.

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