



W.P(MD)No.24472 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24472 of 2023

and

W.M.P.(MD)No.20658 of 2023

Asok Pandi

... Petitioner

Vs.

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

2.The Inspector of Police,
City Crime Branch,
Trichy City.

... Respondents

*(R2 is suo motu impleaded vide order dated
10.10.2023 in W.P.(MD)No.24472 of 2023
by GRSJ)*

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 in Madurai Passport Office File. No.MD1070178251317 dated 20.04.2017 on the file of the respondent



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quash the same as illegal for the petition mentioned and consequently direct the respondent to issue Passport and requesting Court to order Government of India to pay right compensation minimum of Rs.30 lakh.

For Petitioner : No appearance

For Respondents : Mr.S.Karthik,
Standing Counsel for R1.
Mr.A.Albert James,
Government Advocate for R2.

ORDER

None appeared for the petitioner. Heard the learned standing counsel for the first respondent and the learned Government Advocate for the second respondent.

2.The petitioner was holding multiple passports. The particulars given by him on the earlier occasion turned out to be false. He had even furnished forged certificate. Yet the Chief Passport Officer, New Delhi chose to pass the following order dated 11.07.2016 in favour of the petitioner. Paragraph No.6 of the order reads as follows:-



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“6.Having gone through all the records and in light of full facts and circumstances of the case, I, as appellate authority, as per the provision under Section 11 of the Passports Act, 1967, decide to dispose of the appeal ex-parte as under:

i) Since the appellant was found to be guilt of obtaining multiple passports with different personal particulars by suppressing facts and providing wrong information, the action of the PO in impounding of the appellant's passports under Section 10 (3) (b) of the Passports Act, 1967, is in order.

ii) More than three years has elapsed since the appellant submitted his last application in the year 2013, the PO may impose appropriate penalty and allow him to submit fresh passport application providing correct personal particulars supported by documentary evidence which the PO may process subject to usual checks, procedures and clear police verification.

iii) The appeal is allowed.”

3.The said order is still holding good. The first respondent shall consider the petitioner's application for issuance of fresh passport in the light of the order dated 11.07.2016. The order dated 11.07.2016 does not



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mandate the first respondent to issue passport to the petitioner. It only calls upon the first respondent herein to consider the petitioner's application and nothing more. If the particulars given by the petitioner are false or turn out to be incorrect and if there is any other legal impediment, the authority will be justified in returning the petitioner's application.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Inspector of Police,
City Crime Branch,
Trichy City.



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G.R.SWAMINATHAN, J.

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