



W.P(MD)No.27881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.27881 of 2022

R.Sahaya Aswinth

... Petitioner

Vs.

1.The Secretary,
Ministry of External Affairs,
J674+54V, E Block,
Central Secretariat,
New Delhi-110 001.

2.The Joint Secretary (Gulf),
Ministry of External Affairs,
J674+54V, E Block,
Central Secretariat,
New Delhi-110 001.

3.The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to return the original Passport No.P1310628 which impounded by the Bureau of Immigration Trivandrum International Airport, dated 11.06.2022, within the time frame stipulated by this Court based on the common representation, dated 11.10.2022.



W.P(MD)No.27881 of 2022

For Petitioner : Mr.V.P.Rajan

For Respondents : Mrs.L.Victoria Gowri
Deputy Solicitor General of India

ORDER

Heard the learned Counsel on either side.

2. The petitioner seeks return of the petition mentioned passport which has been impounded. The passport was impounded because the petitioner had travelled to Yeman. A similar issue arose in ***W.P(MD)No.22808 of 2022 (Valan Kanakurajendran Vs. The Secretary to Government, Ministry of External Affairs, New Delhi)***, vide order dated 10.01.2023 the writ petition was disposed of in the following terms:

"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



W.P(MD)No.27881 of 2022

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 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."

3. The present writ petition can also be disposed of on the same terms. The petitioner shall appear before the Regional Passport Officer, Madurai on 06.02.2023 at 03.00 pm and offer his explanation. The Regional Passport Officer, Madurai shall send his report to the second respondent or the authority competent to decide the issue within a period of ten (10) days thereafter. The second respondent or the competent authority will decide the issue as regards returning the passport to the petitioner within a period of eight (8) weeks thereof. The writ petition stands disposed of accordingly. There shall be no order as to costs.

25.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

Note: Issue order copy on 01.02.2023.



W.P(MD)No.27881 of 2022

To

WEB COPY

1. The Secretary,
Ministry of External Affairs,
J674+54V, E Block,
Central Secretariat,
New Delhi-110 001.
2. The Joint Secretary (Gulf),
Ministry of External Affairs,
J674+54V, E Block,
Central Secretariat,
New Delhi-110 001.
3. The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
Madurai-625 002.



W.P(MD)No.27881 of 2022

G.R.SWAMINATHAN, J.

Btr

W.P(MD)No.27881 of 2022

25.01.2023