



W.P(MD)No.28647 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.28647 of 2022

M.Murthy

... Petitioner

Vs

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Main Road, Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Notice issued by the Respondent, dated 08.12.2022 quash the same and consequently direct the Respondent to release of the Petitioner's Passport No.Z3806670.

For Petitioner : Mr.T.Joshua

For Respondent : Mr.K.R.Laxman



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ORDER

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The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with a notice, which had been issued by the respondent/Regional Passport Officer, Madurai, dated 08.12.2022 and to direct the respondent to release the passport of the petitioner herein, bearing Number Z3806670.

2.The petitioner, M.Murthy, son of Madurai residing at No.7/327, Bhuthar Theru, Ambedkar Nagar, Polichallur, Chennai and having another address at No.1/11, Sivankovil Street, Vayakalathur, Thirupathur Taluk, Sivagangai District had filed the Writ Petition, seeking the aforementioned relief claiming that he was working in Singapore in V.I.P.Process and Construction Pte Limited and had come over to India. When he came to Trichy, the Chief Immigration Officer, Bureau of Immigration, Trichy had impounded the aforementioned passport bearing No.Z3806670. The petitioner claims that the reason not given. Thereafter, he approached the Passport Office at Chennai and there, he was directed to approach the respondent herein and had given a representation on 07.07.2022.



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3.Earlier, the petitioner had filed a writ petition in WP(MD)No. 17942 of 2022, seeking for release of passport of the petitioner. This Court had directed the petitioner to give necessary explanation before the respondent and the respondent was directed to pass necessary orders. The petitioner claims that he appeared for an enquiry on 07.10.2022, before the respondent and had submitted all the requisites documents.

4.The petitioner also claimed that his father Madurai had taken a passport in his nickname Palaniselvam, without the knowledge of the petitioner. His father died 20 years ago. The petitioner claims that he was not informed about the passport taken by his father and any further details. It is also stated in the affidavit that his wife and her brother had posted a photo about the holding of the other passport in the name of Palaniselvam in a Facebook page and his wife had filed a complaint before the Police Station and to the Passport Office. Under those circumstances, the respondent had started an enquiry for holding of two separate passports, one in the name of M.Murthy, another in the name of Palaniselvam. The petitioner disclaimed the knowledge of the existence of a passport in the name of Palaniselvam. He had received a notice from the respondent on 08.12.2022 and aggrieved by



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issuance of notice, filed the present writ petition.

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5.I am informed that the the respondent had proceeded with the investigation and the petitioner was directed to appear. Thereafter, the respondent had directed the petitioner to produce further documents viz., School Transfer Certificate, Mark Certificate, Birth Certificate, Death Certificate of his father and also the documents relating of holding of properties. Those documents were not produced by the petitioner.

6.It is the contention of the learned counsel for the petitioner that those documents are not required to the enquiry and that he had however, produced more relevant documents. He claimed that he had produced the document relating to his employment at Singapore in V.I.P.Process and Construction Pte Limited, which was applied on 10.06.2021 and issued on 17.06.2021 in the name of Madurai Murthy and Aadhar Card again in the name of Murthy.M, with the Date of Birth 04.02.1970, the Election Commission of India Identity Card and his Driving License, which was issued on 15.04.2011 and was valid till 03.02.2030 and the Income Tax Pan Certificate. The learned counsel for the petitioner stated that these documents



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should have been considered by the respondent and the respondent should not call upon the petitioner to produce the School Transfer Certificate or Mark Certificate or Birth Certificate or Death Certificate of his father or any details relating to holding of properties.

7.However, the respondent has proceeded further with the enquiry and it is informed that they have passed a final order cancelling the passport of the petitioner herein. The learned Standing Counsel for the respondent also stated that the order copy had already been communicated to the petitioner.

8.Now, the only option available to the petitioner is to question the cancellation order passed within the stipulated period, in the manner known to law. However, the Writ Petition has been filed questioning the show-cause notice. That relief does not survive for further adjudication.



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9.In the result, this Writ Petition stands dismissed. No costs.

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NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM
To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Main Road, Madurai.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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