



W.P.(MD)No.1239 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1239 of 2024

and

W.M.P.(MD).No.1271 of 2024

Selvarani

... Petitioner

Vs

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in passport application No.MD 1074418016722 dated 08.12.2023 on the file of the Respondent and quash the same as illegal and consequently direct the Respondent to issue a fresh passport to the petitioner.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.K.Govindarajan
DSGI



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ORDER

WEB COPY

Heard both sides.

2. The petitioner is an Indian citizen, but she had obtained Srilankan passport. For this, she was prosecuted in C.C.No.5887 of 2023. She was convicted and sentenced to undergo one day imprisonment and pay fine of Rs.5,000 by judgment dated 18.08.2023.

3. The impugned communication merely calls upon the petitioner to offer her explanation. This communication cannot be faulted. The petitioner is obliged to appear before the respondent and explain the circumstances that in which she obtained Srilankan passport. Merely because she was prosecuted and convicted, that does not observe the petitioner to offer her explanation.

4. The petitioner's counsel states that the petitioner's husband is Srilankan citizen and that her family is abroad. In order to visit them, she urgently requires the passport.

5. I am therefore of the view that the respondent can take a lenient view of the matter provided the petitioner makes a full and frank disclosure. Without



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interfering with the impugned communication, I direct the petitioner to appear before the respondent on 04.04.2024 at 3.30 p.m. The respondent can record the statement of the petitioner. The petitioner can also apply an application for re-issuance of her passport. I am prima facie of the view that there is no statutory impediment for considering the petitioner's application. If the petitioner had been convicted and sentenced for a period beyond two years, that would operate as a disqualification. In this case, the petitioner was sentenced to undergo only a day imprisonment and pay fine of Rs.5,000/-. This may not operate as a statutory disqualification. The respondent will bear in mind all these aspects and take a call.

6. With this direction to the respondent to process the petitioner's application, the writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

Note: Issue Order Copy on 01.04.2024.



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To

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



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G.R.SWAMINATHAN, J.

Nsr

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