



W.P.(MD)No.4255 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4255 of 2024

and

W.M.P.(MD).No.4096 of 2024

S.C.Jain Anto Solomon

... Petitioner

Vs

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

2.The Secretary to Government of India,
Ministry of External affairs,
New Delhi.

... Respondents

*(R-2 is suo motu impleaded vide order dated 27.03.2024
in W.P.(MD).No.4255 of 2024)*

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 Order passed by the respondent in File No.MD2061339912611 dated 21.04.2023 and quash the same on the grounds that the same is arbitrary, illegal and without any legal basis and



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consequently directing the respondent to release the passport bearing
No.K4026698

For Petitioner : Mr.T.Wins
For R-1 : Mr.M.Karthikeya Venkitachalapathy
For R-2 : Mr.K.Govindarajan
DSGI

ORDER

Heard both sides.

2. The petitioner is a holder of the Indian passport. It was impounded by the respondent. The petitioner seeks return of the same. The reason for taking an action is that the petitioner had travelled to Yemen in violation of the notification issued by the Government of India. The petitioner is working as a labourer in a hospital. It is stated that he has been employed in Yemen since 2012. Unfortunately, a notification was issued by the Ministry of External Affairs, New Delhi in the year 2017 and it states that any Indian National who travels to Yemen shall be liable for action under the provisions of Passport Act. Therefore, impounding made by the respondent cannot be faulted.



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3. At the same time, this Court has to taken into account the equities obtained in this case. The petitioner has gone there only for livelihood purpose.

The petitioner now gives a declaration before this Court that he will not travel to Yemen, so long as the ban order is in force. If the authorities are satisfied that the Petitioner had not indulged in any Anti National activities by breaching the ban, a lenient and indulgent view can be taken. I therefore direct the petitioner to appear before the respondents on 04.04.2024 at 3.00 p.m. and offer his explanation. All the mitigating circumstances can be pleaded by the petitioner. The respondent will thereafter send his report to the Secretary to Government of India, Ministry of External affairs, New Delhi within a period of ten days thereafter. The competent authority/ Secretary to Government, the Ministry of External Affairs, New Delhi shall take a call. The authority will decide if the petitioner's passport can be returned to the petitioner. The decision will be taken within a period of eight weeks thereafter. The appropriate order on merits by taking into account the petitioner's conditions shall be passed and communicated to the petitioner.

4. The Secretary to Government, Ministry of External Force is *suo motu* impleaded as second respondent in this writ petition. Mr.K.Govindarajan takes notice for the impleaded second respondent.



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5. This 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.

To

- 1.The Regional Passport Officer,
Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.
- 2.The Secretary to Government of India,
Ministry of External affairs,
New Delhi.



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G.R.SWAMINATHAN, J.

Nsr

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