



W.P(MD)No.5974 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5974 of 2017

N.Rajkumar

... Petitioner

Vs

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

2.The Assistant Passport Officer,
Passport Seva Kendra,
Claret Plaza,
Melakkal Main Road,
Kochadai,
Madurai – 625 016.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue a passport on the petitioner's pending passport application No.MD1069209763316, dated 14.03.2016.



WEB COPY



W.P(MD)No.5974 of 2017

For Petitioner : No appearance
For Respondent : Mr.V.B.Sundareshwar
Central Government
Standing Counsel

ORDER

The petitioner claims that he is a son of ex-serviceman. He has applied for a passport on 14.08.2012. The first respondent has issued a show cause notice on 03.07.2015, calling upon this petitioner to furnish his explanation for the birth certificate which he has enclosed along with his application. The first respondent has doubted the birth certificate that it is not genuine. According to the petitioner, his parents approached touts, who were available in Madurai Corporation Office for the purpose of obtaining the birth certificate and the petitioner's parents were duped by the said touts. By stating all these facts, the petitioner has submitted an explanation on 15.07.2015. Thereafter, the petitioner has submitted another application on 14.03.2016 by referring a circular issued by the Government of India that the birth certificate need not be insisted upon, if the petitioner is having other school certificates and police



W.P(MD)No.5974 of 2017

WEB COPY

verification certificate. Having submitted another application, he has filed this writ petition for a Mandamus, to consider his application dated 14.03.2016.

2. When this writ petition was taken up for hearing on 07.06.2023 and 16.06.2023, there was no representation for the petitioner. After providing sufficient opportunity, notice was also sent to the petitioner by this Court on 16.06.2023. Notice sent to the petitioner was returned "as no such addressee".

3. The learned counsel appearing for the respondents by referring to the counter affidavit submits that this petitioner has produced a fake birth certificate along with his application dated 14.08.2012. On verification, the passport authorities found that the birth certificate produced by the petitioner is a fake certificate. Therefore, a show cause notice was issued to this petitioner on 03.07.2015 and this petitioner has also offered his explanation on 17.07.2015 that his parents were cheated by the some touts in the



W.P(MD)No.5974 of 2017

WEB COPY

Madurai Corporation Office. Not satisfied with the reply provided by the petitioner, the passport authority has proceeded with by initiating a complaint as against the petitioner for the offence under section 12(1)(b) of the Indian Passports Act, 1967. However, they have not received any report from the Commissioner of Police, Madurai, whether, a criminal case has been registered as against this petitioner or not.

4.Since the petitioner has attempted to obtain a passport by producing a fake birth certificate, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs.

05.01.2024

NCC: Yes/No
Index: Yes/No
Internet: Yes
vrn



W.P(MD)No.5974 of 2017

WEB COPY

To

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

- 2.The Assistant Passport Officer,
Passport Seva Kendra,
Claret Plaza,
Melakkal Main Road,
Kochadai,
Madurai – 625 016.



WEB COPY



W.P(MD)No.5974 of 2017

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.5974 of 2017

05.01.2024