



WEB COPY

W.A No. 2620 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.A No. 2620 of 2025

and C.M.P.No.20953 of 2025

The Regional Passport Officer
Rayala Towers, No.2 and 3, IV Floor, No.158, Anna
Salai, Chennai- 600 002.

..Appellant

Vs

Geetha Sreerag @ Rosaline Geetha
W/o. Sreerag, 11/1, Akshaya Apartment, Perumal
Nagar, Mogappair, Chennai-600 037

..Respondent

Prayer: Writ Appeal under Clause 15 of Letters Patent to set aside the order
W.P.No.4210 of 2021 dated 03.06.2024 and allow this Writ Appeal.

For Appellant : Mr.AR.L.Sundaresan
Additional Solicitor General
for Mr.K. Srinivasa Murthy,
Central Government Standing Counsel

For Respondent(s): Mr.R.Y.George Williams

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal is directed against the order passed by the Writ Court
dated 03.06.2024 in W.A.No.4210 of 2021.



2. The respondent herein was the writ petitioner, who was originally Indian Citizen and in that capacity, she applied for Indian Passport on 31.10.2002. However, prior to making such an application to get the passport in 2002, already she secured French Nationality Certificate on 09.01.1999 by virtue of which she became French National. Virtually, on the date when she applied for Indian Passport on 31.10.2002 she was no more Indian Citizen since she already became a French National by then and she was not entitled to get Indian Passport. Nevertheless, since the passport was obtained by her which was also subsequently renewed in 2014, after some years the respondent / writ petitioner having realized this position seems to have given an application to the appellant department to surrender her passport. That application was pending and in this regard, in order to finalize the said application either to accept the surrender application submitted by the petitioner or to invoke Section 10(3)(b) of the Passport Act, 1967 (hereinafter referred to as 'the Act') to revoke the passport already issued in favour of the writ petitioner dated 31.10.2002, the appellant Department wanted to get the consent from the writ petitioner. In this regard, there had been correspondences, which seems to have not been responded to by the writ petitioner.

3. Ultimately, on 31.12.2020, the appellant department had sent a communication to the respondent / writ petitioner stating that, in the absence of any response from the side of the writ petitioner, the file has been closed and appropriate notice also has been placed on the website in the section 'Track Status'



against the file number of the writ petitioner. This communication dated 31.12.2020 was challenged in the writ petition filed by the appellant.

WEB COPY

4. The said writ petition was disposed of by the learned Single Judge through the impugned order dated 03.06.2024, whereby the learned Judge allowed the writ petition with an observation that, owing to the voluntary application and suo motto disclosure of the circumstances by the petitioner before the Passport Authority, the culpability of the petitioner in suppressing material information in obtaining the Indian Passport stands diluted. Further, the punishment for offence provided under Sec 12 (1A) can be as high as 5 years in jail or as low as a fine of Rs 10,000/-. Over 4 years have passed since the FIR is registered and no adverse report is brought on record by the respondent even in the counter filed during February, 2024. Therefore, for the ends of justice to meet, the benefit of doubt rests with the petitioner, unless any adverse finding of a grave nature is unearthed in the police investigation.

5. This of the observation of the learned Judge in the writ petition is under challenge by the appellant Union Government.

6. Assailing the order passed by the Writ Court, Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the appellant would contend that, on the date when she made the application and obtained Indian Passport on 31.10.2002, already she has become a French National. Had the French Nationality Certificate



obtained on 07.01.1999, been brought to the notice of the passport authorities, Indian passport would not have been given to her on 31.10.2002.

WEB COPY

7. Therefore, insofar as this kind of suppressing of facts if found, normally the provision to be invoked under the Passports Act is Section 10(3)(b). As contemplated under the said provision, if the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf, proceedings would be initiated under Section 10(3)(b) to revoke the passport and that has been intimated in the communication dated 31.12.2020 which was under challenge in the writ petition.

8. Pointing out all these aspects, the learned Additional Solicitor General would contend that the issue can be given a quietus by invoking Section 10(3)(b) and the passport already obtained by the writ petitioner dated 31.10.2002 from the Indian Government can very well be revoked by invoking the provisions of Section 10(3)(b). Therefore, to that extent for initiating action and for concluding the same the petitioner may not have serious objection. However, the findings given by the learned Single Judge in the order impugned certainly would stand in the way and that needs interference at the hands of the Division Bench.

10. We have heard the learned counsel for the respondent, who would submit that the writ petitioner has already shifted to foreign country long years back and



she was not in a position to know all these developments and therefore it does not amount to wilful suppression of materials on her part while she made an application to get Indian Passport in the year 2002, which was subsequently renewed on 18.03.2014. That is the reason why on her own she has come forward to surrender the passport and if the appellant wanted to invoke Section 10(3)(b) then for that course of action, she was ready and willing to accept the same and that is reflected in her letter dated 09.12.2024.

11. As has been rightly pointed out by the learned Additional Solicitor General appearing for the appellant, this kind of situation can be faced only by invocation of Section 10(3)(b) of the Passports Act as stated supra and even for such course of action, the writ petitioner has no serious objection as she has expressed her willingness to accept such course of action, which is reflected in her letter dated 09.12.2024. When that being so, the findings of the learned Judge in the order impugned may not be necessitated.

12. In that view of the matter, we dispose of this writ appeal with the following orders:

- The impugned order dated 03.06.2024 is set aside, as a result of which there shall be a direction to the appellant department to invoke Section 10(3)(b) of the Act as desired by them, which has already been indicated in the order dated 31.12.2020, which was impugned before the Writ Court.



WEB COPY

- Based on such initiation, the respondent / writ petitioner shall immediately send her consent for revocation of the passport and on receipt of such communication from the respondent / writ petitioner, the appellant passport authority can complete the proceedings by invoking Section 10(3)(b) of the Act and by thus, the passport already issued in favour of the respondent / writ petitioner in the year 2002, which was subsequently renewed in 2014 can be revoked and the issue can be given a quietus.

13. With the above directions, this writ appeal is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (K.G.T.,J.)
29-08-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



To

The Regional Passport Officer
Rayala Towers, No.2 and 3, IV Floor,
No.158, Anna Salai, Chennai- 600 002.

W.A No. 2620 of 2





WEB COPY

W.A No. 2620 of 2



**R.SURESH KUMAR, J.
AND
K.GOVINDARAJAN THILAKAVADI, J.
KST**

WA No. 2620 of 2025

29-08-2025