



W.P.(MD).No.13557 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.13557 of 2024

K.Ratnam

... Petitioner

Vs.

- 1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.
- 2.The Immigration Officer,
Trichy International Airport,
Trichy.
- 3.The Superintendent of Police,
Q Branch CID,
DGP Office,
Chennai - 600 004.
- 4.The Deputy Superintendent of Police,
Q Branch CID,
Madurai Range,
Madurai.
- 5.The Inspector of Police,
Q Branch CID,
Madurai City.
6. The Superintendent of Police,
Ramanathapuram.

... Respondents



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*R6 is Suo Motu impleaded Vide Court order dated 03.12.2024 in
WP(MD).13557/2024)*

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 entire records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in No.02/IMP/BOI-TAP/2023/(08)-34 dated 17.10.2023 and quash the same and consequently directing the 1st respondent to release the petitioner's passport vide Passport No. N0897045.

For Petitioner : Mr.S.M.Anantha Murugan

For R-1 & R-2 : Mr.K.Govindarajan,
Deputy Solicitor General of India,
Assisted by,
K.Gokul

For R-3 to R-6 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

This writ petition is filed challenging the impugned order passed by the second respondent impounding the petitioner's passport by proceedings dated 17.12.2023.



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2.Heard the learned counsel for the petitioner Mr. Anantha Murugan, the learned Deputy Solicitor General of India, Mr.K.Govindarajan, assisted by K.Gokul, for the respondents 1 and 2, the learned Government Advocate, (Criminal side) Mr.K.Gnanasekaran for the respondents 3 to 6 and carefully perused the materials available on record.

3.The petitioner was issued with the passport by the first respondent on 07.07.2015 bearing passport No.N0897045 which is valid up to 06.07.2025. The petitioner was working at Kuala Lumpur, Malaysia. On 17.10.2023 while he was returning from Malaysia and when he landed at Trichy airport, the second respondent on verifying his passport informed the petitioner that since the status of the passport in UCF is shown as “impounded”, that his passport was impounded and issued the impugned order vide proceedings bearing No.02/IMP/BOI-TAP/2020 (08) - 34 dated 17.10.2023. In this regard, the petitioner approached the first respondent on 21.11.2023 and enquired about his passport. Even thereafter on several days, the petitioner required the first respondent to give appropriate information as to the reason behind his passport being impounded on 02.12.2023, 04.12.2023, 28.12.2023 and 30.01.2024. Even thereafter, there was no response from the first respondent. However, after an elaborate



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enquiry, the petitioner came to know that the fifth respondent police has registered a first information report in crime No.1 of 2019 and in connection to that the petitioner's passport has been impounded and it is also the case of the petitioner that the petitioner was not implicated as accused in the aforesaid crime and on that basis required the interference of this Court to set aside the impugned order passed by the second respondent impounding his passport.

4.The learned counsel appearing for the 4th respondent on the basis of the counter affidavit submitted that on 27.09.2019 based on information, a suo-motu case was registered by Madurai city Q branch CID in crime No.1 of 2019 under sections 120 B 420, 465, 468, 471 IPC read with Section 12 (1A)(a), 12 (1A)(b), section 12(2) of the Passports Act,1967, by one R.Ganesh Babu, Inspector of Police Q branch CID, Madurai city, against four accused persons namely, Vaidyanathan, Kalyanaraman alias Ramesh, Anna Durai and Shanmugha Sundaram. In this regard during the course of investigation totally 124 passports, 66 Aadhar cards, 98 voter IDs, 51 bank accounts, 14 stamp papers, 40 school documents such as mark sheets and transfer certificates, 86 rubber seals, 14 holograms and electronic storage devices were recovered from the accused in the aforesaid case. While



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concluding the investigation totally 40 individuals including officials from the passport office, police department and postal department were identified as accused.

5.Following which a preliminary charge sheet was filed before the learned Judicial Magistrate No.4, Madurai, in C.C.No.1503 of 2022 against all the 40 individuals. It is revealed that further more persons were found to be suspicious of obtaining Indian passports using bogus documents to Sri Lankan nationals. During the course of the said investigation a voter ID bearing No.STG 0328476 in the name of Ratnam, S/o.Kathavarayan, that is the petitioner herein was seized from the second accused namely Kalyana Raman alias Ramesh along with other incriminating documents and the same was also forwarded to the learned Judicial Magistrate No.4, Madurai, vide form 91 for judicial custody. On investigation it is revealed from the report submitted by the Inspector of Police, Q branch CID that the voter ID bearing No.STG 0328476 was actually issued to one Karuppiah of Ramanathapuram and not to the petitioner and it was also brought to light that the petitioner herein was issued with voter ID in WRM 0975441. The petitioner had actually obtained an Indian passport in N0897045 by submitting the voter ID bearing STG 0328476 as supporting document for



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his identity. The learned Deputy Solicitor General of India, Mr.K.Govindarajan based on the counter affidavit filed by the first respondent submitted that the petitioner is a holder of two passports and he has obtained two passports with different credentials which are as follows:

	1 st fresh passport	2 nd fresh / Parallel passport
Name of the applicant	Rathinam	Ratnam
Date of Birth	04.05.1964	04.09.1965
Place of Birth	Chinnudaiyarvalasai (Actual Place of birth is MALAYSIA)	Ramanathapuram
Father's Name	Kathavarayan	Kathavarayan
Mother's Name	Valli	Valli
Spouse's Name	Nil	Nil
Passport No.	K968976 dt.30.04.1992 from RPO- Chennai	N0897045 dt. 07.07.2015 from RPO-Madurai

6.From the submissions of the learned counsels for the respondents it could be understood that the petitioner has suppressed his original place of birth in both the different passports while his actual place of birth is Malaysia. That apart, the petitioner having born in Malaysia has suppressed the fact on how he entered into India and whether he entered into India on



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the strength of Indian passport or on the strength of his mother's passport with his particulars entered in the mother's passport during his childhood or Malaysian passport as citizen of Malaysia. It can also be understood that the petitioner had re-entered into Malaysia in the year 1992 with an Indian passport and the validity of the said passport expired in the year 2002 itself while so the petitioner claims that he again returned to India in the year 2015 and it is quite unclear as to how he stayed in Malaysia after the expiry of Indian passports in 2002 further even as per the petitioner's claim he entered into India in 2015 after 13 years of expiry of Indian passport.

7.This has created doubt that he may be holding a Malaysian passport as well. The submission of the learned counsel for the respondent police would make it clear that the petitioner had utilized forged documents for the purpose of obtaining Indian documents and the same would certainly attract appropriate action under section 10(3) of the Indian Passports Act, 1967. Hence, I am not inclined to entertain this writ petition and the case of the petitioner fails.

8.Accordingly, the writ petition is dismissed. No costs.

27.01.2025

NCC : Yes / No
Index : Yes / No



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Internet : Yes

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L.VICTORIA GOWRI, J.

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