



W.P.(MD)No.15784 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.15784 of 2025

and

W.M.P(MD)No.11980 of 2025

Raja Hussain

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.
2. The Regional Passport Officer,
Regional Passport Office,
Trichirapalli,
3. The Commissioner of Police,
Madurai City.
4. The Inspector of Police,
Q - Branch CID,
Madurai District.
5. The Inspector of Police,
Anna Nagar Police Station,
Madurai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records relates to the order of the 1st respondent in 2100359 - POL - MDU dated 27.02.2025 and quash the same as it is illegal and in consequence to direct him to reissue the petitioner passport No.R10003208, issued on 13.06.2017 and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.R.Suriya Narayanan
For R1 and R2 : Mr.K.Govindarajan
Deputy Solicitor General of India
For R3 to R5 : Mr.S.Prakash
Government Advocate (Crl.Side)

ORDER

The above writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records relates to the order of the 1st respondent in 2100359 - POL - MDU dated 27.02.2025 and quash the same as it is illegal and in consequence to direct him to reissue the petitioner passport No.R10003208, issued on 13.06.2017 and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.”



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2. It is the contention of the petitioner that he is ekeing out his livelihood by driving a auto rickshaw and for the betterment of his livelihood he had decided to go abroad for which he had made an application to the 1st respondent for issuing Passport on 13.06.2017. The Passport was issued to the petitioner which is valid for ten years, that is till 12.06.2007.

3. The petitioner would submit that when he was a minor his father was illiterate had applied for a Passport in his name giving the date of birth as 15.03.1998. The application was made through an agent and Passport was also issued by the 2nd respondent in Passport No.A6892754 dated 06.01.1999 which is valid till 06.01.2009. However, it is the contention of the petitioner that inadvertently he had once again applied for a Passport by giving the date of birth as 15.03.1986 and that he had received Passport No.F1897499 dated 29.12.2004. However, he had not renewed the said Passport after 28.12.2014.



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4. The petitioner would submit that he was not aware of these two Passports as it was obtained when he was a minor. He would also submit that he had never misused the Passport at any point of time. Meanwhile, the 4th respondent had unearthed a scam relating to issue of Passport and had seized the petitioner's earlier two passports and enquiry was also being conducted. In the meantime, the petitioner had required a new Passport and had approached the 4th respondent and thereafter, filed W.P(MD)No.15264 of 2024 for a mandamus as it was represented that the Passport was lost.

5. The petitioner thereafter withdrew the said writ petition and applied afresh for re-issuing the Passport. This application was rejected by the 1st respondent on account of the adverse report given by the 5th respondent relating to the residential address. The petitioner thereafter, filed W.P(MD)No.23610 of 2024 and this writ petition was allowed on 04.10.2024. Thereafter, the 1st respondent had rejected the petitioner's request by order dated 27.02.2025 on the ground that there was an adverse report from the respondents 3 and 4 stating that the petitioner was possessing multiple Passports with false details which was punishable



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under Section 121(b) of the Indian Passport Act. It is this order of rejection which is the subject matter of challenge in the above writ petition.

6. The petitioner's contention is that the impugned order has been passed without issuing any notice or conducting any enquiry. He would further submit that in this claim in respect of which enquiry was being conducted, he had not been arrayed as accused and neither were any FIR or Charge Sheet pending against him. Therefore, he would seek to have the impugned order set aside and a direction to the respondent to reissue the Passport.

7. When the matter had come up and on perusing the two Passports, it was found that the passports were issued with different date of birth details. The petitioner was directed to provide his birth certificate to show his actual date of birth and the 1st respondent was also directed to verify as to whether the two Passports earlier issued in the name of the petitioner had been utilized by him. By order dated 09.09.2025, it is informed that the petitioner had utilized both Passports and the counsel for the petitioner sought time to get instructions and the matter was adjourned to



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15.09.2025. On 15.09.2025 a status report was submitted by the Investigating Officer, wherein it was stated that the first accused Vaithyanathan had entered into a criminal conspiracy with the other accused, unknown officials of the Regional Passport Office at Madurai and Trichy and other private persons and public servants for illegally applying and obtaining Indian Passports for Srilankans, foreign nationals and to some other Indian citizens by forging documents.

8. It was further stated that in the course of investigation searches were conducted at the residential/business premises of the accused in the presence of independent witnesses and seized 124 passports, 20 passport applications, 66 Aadhar cards, 98 Voter Ids (EPIC Cards), 51 bank documents, 14 stamp papers, 40 school documents such as Mark sheets and Transfer certificates, 86 rubber stamps, 14 Holograms and electronics storage devices from the premises. The Investigating Officer would submit that in the preliminary investigation 40 individuals including officials from the Passport office, Police Department and Postal Department were identified as accused and the preliminary charge sheet were filed before the Judicial Magistrate No.IV, Court against these 40 accused vide C.C.No.1503/2022 on 23.08.2022.



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9. In the further on going investigation 33 persons were found to have obtained Indian Passport by using the bogus documents though they were Srilankan Nationals. Therefore, after obtaining the permission of the trial Court, further investigation was conducted and in the course of this investigation 10 more Srilankan Nationals were identified as culprits who had obtained Indian Passports and an additional charge sheet were filed before the trial Court where the case is pending.

10. The Investigating Officer would submit that the petitioner is not being arrayed as an accused in the aforesaid case, however, during the investigation the Passports and Voter ID of the petitioner were seized from the 6th accused along with other incriminating documents and the enquiry also revealed that the petitioner had obtained three Indian Passports showing different dates of birth. In the passport bearing A6892754, date of birth is shown as 15.03.1998, in F1897499, the date of birth is shown as 15.03.1986 and in R1003208 date of birth is shown as 04.01.1983. Further, the possession of the earlier document has been suppressed.



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11. The 1st respondent was directed to produce the three Passports of the petitioner which documents had also been produced. In the 1st Passport his date of birth has been shown as 15.03.1988. The school transfer certificate, issued by Little Flower English School also shows the date of birth of the petitioner as 15.03.1988. The petitioner's mother has also given an affidavit on 07.10.1997 stating that her son was born on 15.03.1988. The 2nd Passport, the petitioner has shown his date of birth as 15.03.1986. This is an application which was filled up by the petitioner himself as on the date of the application. The petitioner was major if his date of birth is taken to be 15.03.1986. In the 3rd Passport his date of birth is shown as 04.01.1983. Therefore, in each of the passports, the petitioner's personal details particularly relating to his date of birth has been given differently. Therefore, the 1st respondent counter would reveal that though the Passport was impounded on 02.09.2021, the petitioner has reported that the same has been lost which is yet another suppression. The 1st respondent has referred the matter to the Commissioner of Police, Madurai City vide letter dated 18.06.2025 to investigate into the matter and initiate appropriate action.



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12. The learned counsel appearing for the petitioner would submit that the petitioner's case would not fall within the provisions of Section 6(f) of the Indian Passport Act justifying the refusal to issue of passport as no case is pending at present before the Criminal Court.

13. However, in the instant case fraud has been committed in respect of the very document namely the Passport as the petitioner has given different dates of birth in each of the passport that he has applied for. It is also seen that before the expiry of the 1st passport on 06.01.2009, the 2nd passport has been applied for and obtained on 29.12.2004. On account of these factors, the 1st respondent had themselves referred the matter for investigation. Therefore, in the above circumstances, I see no reason to interfere with the order passed by the 1st respondent.

14. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC :yes/No
Index :yes/No
Internet:yes/No
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P.T.ASHA, J.

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To

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