



W.P.(MD).No.21325 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Mubarak Ali

... Petitioner

Vs.

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

2. The Superintendent Enquiry officer,
Regional Passport Office Madurai,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

3. The Inspector of Police,
Melapalayam Police Staiton,
Tirunelveli District.

... 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 Mandamus, to direct the 1st and 2nd respondent to issue passport on his application File No MD2076750890324 dated 15.07.2024 based on his reply dated 08.08.2024.

For Petitioner : Mr. C. Susikumar

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

For R-3 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

This Writ Petition is filed seeking to direct the first and second respondents to issue passport by appreciating the File No MD2076750890324 dated 15.07.2024 based on his reply dated 08.08.2024.

2. Heard the learned Counsel on either side and carefully perused the materials available on record.



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3. The petitioner had applied and obtained a passport as early as in the year 2003 and had gone to Saudi Arabia for his employment. Subsequently, when he made an application for renewal of passport at Saudi Arabia, he came to understand that the third respondent police had registered a case as against him in Crime No.59 of 2023 under Sections 419, 465, 120(B) of IPC and Sections 12(1)(a), 12(1)(e) of Passport Act as against the petitioner and his uncle, namely, Khaja Mohideen. According to the prosecution case, the petitioner had obtained a passport in his uncle's name, using his ration card and had gone to Saudi Arabia. Under such circumstances, the petitioner was allowed to travel back from Saudi Arabia to India. As and when he reached India, his passport was seized and cancelled. Hence, the petitioner made an application for fresh passport on 15.07.2024 in File No.MD2076750890324. However, the same was not considered. Hence the present writ petition came to be filed.



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4. Mr.K.Govindarajan, the learned Deputy Solicitor General of India on the basis of the counter affidavit filed by the first and the second respondents submitted that the petitioner has initially obtained a fresh passport bearing No. E5621363 dated 07.07.2003 valid upto 06.07.2013 from Regional Passport Office, Trichy, in the name of Kaja Mohideen S/o Ahamed Meeran residing at No. 7, Kalungu Chinna Mydeen Street, Melapalayam PO., Tirunelveli City and again obtained two re-issued passport at Embassy of India, Riyadh viz.. K5133746 dated 20.06.2013 valid upto 19.06.2023 and W1582470 dated.11.2022. Using the above passport the petitioner has extensively travelled and worked abroad for more than 20 years. During police verification of 2nd re-issued passport. However, the Commissioner of Police, Tirunelveli City, has found that the petitioner has furnished wrong information and fake address and obtained above passports. His report revealed that another Kaja Mohideen is residing in the address mentioned for the past 30 years and is working at Chandrika Beedi Company, Melapalayam, for the past 20 years and further mentioned that it is a suspected case of impersonation and therefore, sought for the uptodate passport details of

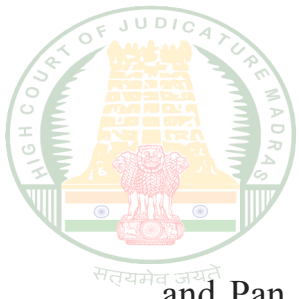


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the petitioner. The petitioner has come to know that police has found out his illegal means of obtaining passport in another name, he cleverly tried to change the name Kaja Mohideen in the existing passport to Mubarak Ali Vellai Kunan and applied for re-issuance of passport in Embassy of India, Riyadh with name change documents. For this application, the police submitted an adverse report informing that a criminal case in Crime No.59 of 2023 is registered against the petitioner in Melapalayam Police Station under section 419, 465,120(b) of IPC r/w. Section 12(1)(a), 12(1)(e) of Indian Passports Act, 1967. The passport application was closed by Indian Embassy based on the request of the petitioner and passport was not granted.

5. He further submitted that the petitioner has again cleverly applied for re-issuance of passport with incorrect name particular in RPO-Madurai wherein, this time the petitioner has changed all his personal particulars viz., Surname, Given Name, Father's name, Mother's Name, Date of birth, Place of Birth, etc., vide application ref. No. MD2076750890324. He has also managed to submit Aadhar card



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and Pan Card in the changed name of Mubarak Ali. This shows how the petitioner tried to manipulate the system, to hide his involvement in impersonation. In the present application too, an adverse police report has been updated by Commissioner of Police, Tirunelveli City, informing that a criminal case in Crime No.59 of 2023 is registered against the petitioner in Melapalayam Police Station under Sections 419, 465, 120(b) of IPC r/w. Section 12(1)(a), 12(1)(e) of Indian Passports Act, 1967. The petitioner through his explanation to the first respondent accepted his fraudulent way of obtaining passport in another person's name i.e., Kaja Mohideen to manipulate his age and worked abroad in the identity of Kaja Mohideen during the period 2003 to 2023.

6. Considering the submissions made by the learned Deputy Solicitor General of India and also the fact that the petitioner has suppressed the vital information before this Court in this writ petition that he earlier obtained a passport by way of impersonation by producing the documents and personal particulars of his relative Kaja



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Mohideen, I am not inclined to allow this petition pending investigation in Crime No.59 of 2023 on the file of the third respondent.

7. Accordingly, this Writ Petition stands dismissed. No costs.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

To

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

2. The Superintendent Enquiry officer,
Regional Passport Office Madurai,
Bharathi Ula Street,
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3. The Inspector of Police,
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L.VICTORIA GOWRI, J.

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