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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.23778 of 2025

D.Jibin

... Petitioner

-VS-

1.The Regional Passport Officer,
W4VR, 768, Bharathi Ula Veethi,
Near Thamaraitthotti,
Madurai 625 002.

2.The Regional Passport Enquiry Officer,
Madurai Region,
W4VR, 768, Bharathi Ula Veethi,
Near Thamaraitthotti, Madurai 625 002.

3.The Inspector of Police,
'Q' Branch,
Madurai City, Madurai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to return the original passport bearing Registration No.S6987968 which issued in favour of the petitioner within a time frame that may be stipulated by this Court.



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For Petitioner : Mr.S.Murugapandi
For Respondent : Mr.K.Govindarajan (For R1 & R2)
Deputy Solicitor General of India

Mr.S.Prakash (for R3)
Government Advocate (Crl.side)

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to return the original passport bearing Registration No.S6987968, which issued in favour of the petitioner, within a stipulated time.

2. The facts set out in the affidavit filed in support of this petition are as follows:

The petitioner's passport bearing No.S6987968 was seized by the Immigration Officer of Thiruvananthapuram International Airport on 30.09.2020, since an adverse report was received from the third respondent. It is the contention of the petitioner that he has not involved in any offence as alleged by the respondent police. The petitioner has made a representation to the respondents 1 and 2 seeking return of his passport. But, the same has not been considered. Hence, this petition.



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3. The learned Government Advocate (Crl.side) has filed counter affidavit stating that the petitioner was not arrayed as an accused in the criminal case registered in Crime No.1 of 2019 on the file of the Madurai City, Q Branch CID. It is further stated that during the course of investigation, an Indian passport application bearing No.MD10716787857-18 in the name of the petitioner herein was seized from the office of A2 of the aforesaid case along with other incriminating documents and were forwarded to the learned Judicial Magistrate No.IV, Madurai, for judicial custody.

4. During enquiry made with regard to the petitioner's passport application bearing No.MD10716787857-18, it was found that he had obtained an Emigration Check Not Required (ECNR) endorsement on the passport bearing No.S6987968 using bogus document and seals on his old passport bearing No.K8982996, in order to show that he had resided in abroad for more than three years as complying one of the rules of getting ECNR passport. The petitioner had stayed abroad only for a year. In this regard, communication was sent to the Regional Passport Officer, Madurai, vide C.No.86/Crime/DSP/Q/MDU/2022 dated 14.11.2023 and



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requested to act on this issue in accordance with the power granted by Section 10(3) of the Passports Act, 1967.

5. Heard the learned counsel on either side.

6. Considering the serious allegation levelled against the petitioner and the fact that the investigation is under progress, the request of the petitioner for return of passport cannot be granted at this stage. Accordingly, this Writ Petition is dismissed. No costs.

17.09.2025

NCC : Yes/No

Index : Yes/No

Rmk

To

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P.T.ASHA, J.

Rmk

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