



W.P.(MD)No.26893 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.26893 of 2024

M.Navin

... Petitioner

Vs.

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

2.The State of Tamil Nadu,
Represented by the Inspector of Police,
'Q' Branch CID,
Madurai,
(Crime No.1 of 2019).

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 18.09.2024 and direct the first respondent to issue the duplicate passport bearing Passport Number M8112399.

For Petitioner	: Mr.R.J.Karthick
For 1 st Respondent	: Mrs.S.Deepa Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl.)

ORDER

This Writ Petition is filed, directing the first respondent to consider the



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petitioner's representation dated 18.09.2024 and to direct the first respondent to issue the duplicate passport bearing Passport Number M8112399.

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

3.The petitioner was issued with passport bearing No.M8112399 dated 13.04.2015, at the first instance and the same is valid till 12.04.2025. During 2017, to get visa and to fulfill other formalities to travel abroad, he handed over his original passport bearing No.M8112399 to one Nasruddin, who is the agent for obtaining visa from Malaysia. Since there was no progress in getting visa, after his repeated demands, the agent issued the petitioner with another passport bearing No.R3052629, dated 20.07.2017, based on which he travelled abroad during 2018 and worked as a Chef in Malaysia. While so, at Tiruchirappalli Airport, the Immigration Officer impounded his passport informing him that Crime No.1 of 2019 is pending as against the said Agent Nasruddin and as such, the petitioner's original passport was seized by the second respondent classifying his case as holder of dual passport. In this regard, the petitioner was also summoned by the first respondent by summons dated 30.12.2022, for which he had duly given his explanation. He filed an application before the learned Judicial Magistrate Court No.VI, Madurai, in CrI.M.P.(MD)No.3846 of 2023 for return



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of passport, however the same was disposed of without sufficient reason.

While so, the petitioner made a representation on 18.09.2024, requiring the first respondent to consider his representation and issue the duplicate passport back to him facilitating him to travel abroad. The same is not considered and hence, this Writ Petition is filed.

4.The learned counsel for the first respondent on written instruction submitted that the petitioner was issued with a passport at the first instance on 23.03.2015, from the first respondent office, in which his date of birth was mentioned as 29.06.1996 and place of birth as Gandhi Gramam, Tamil Nadu. The said passport was issued on appreciation of the petitioner's application in reference No.MD1068388979715 by producing his ration card and bank passbook in support of his proof of stay and SSLC mark sheet and birth certificate as proof of date of birth. Only after the issuance of a clear police report by the Superintendent of Police, Sivagangai District, on 10.04.2015, the petitioner's passport application was processed and passport bearing No.M8112399 dated 13.04.2015, was dispatched to him through speed post. In the meantime, it was brought to the knowledge of the first respondent by the State Investigation Agency, namely, Q branch CID, Madurai and Karur District through their communication, dated 03.01.2019 and 07.05.2021 respectively, that a case has been registered by the Q branch CID, Madurai, in Crime No.1 of 2019 under Section 120(B), 420, 465, 468, 471 of IPC r/w. Section 12(1)(A)(a), 12(1)(A)(b), Section 12(2) of the



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Passport Act, 1967, in relation to obtaining suspicious passport through illegal means by forged documents in false addresses. It was further informed by the investigation report that the petitioner had obtained two different passports in two different numbers with two different credentials. Based on the report submitted by Q branch, CID, Madurai range and Karur District, while scrutinizing the records of the petitioner available in the official system, it was understood by the first respondent that the petitioner had obtained parallel passports by providing the following information:-

	1 st Series of Passport	2 nd Series of parallel Passport
	Fresh Passport No.M8112399 dated 13.04.2015 valid upto 12.04.2025 from RPO – Madurai	Fresh Passport No.R3052629 dated 20.07.2017 valid upto 19.07.2027 from RPO - Madurai
Applicant Name	Navin	Mohamed Naveen
Sur Name	Mohamed Yusuf	Mohammed Yusuf
Date of Birth	28.06.1996	04.01.1992
Place of Birth	Gandhigramam, Tamil Nadu	Karisalpatti, Sivagangai District
Father's Name	Mohamed Yusuf	Mohamed Naveen
Mother's Name	Miphon	Miphon
Spouse Name	Nil	Nil
Address	No.230-12, Karisalpatti, Thiruppattur Taluk, Sivagangai	No.230-12, Karisalpatti, Thiruppattur Taluk, Sivagangai

5.Hence, notice dated 08.11.2019 and 06.07.2021, was issued to the petitioner calling upon requiring to explain the reason behind obtaining two



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passports in the year 2015 and 2017. However, the petitioner failed to respond to the notice of the first respondent office and hence, both the passports Nos.M8112399 dated 13.04.2015 and R3052629 dated 20.07.2017, were impounded by the office of the first respondent on 11.12.2019 and 02.09.2021 respectively, under Section 10(3)(b) of the Indian Passports Act, 1967, with an intimation to the petitioner through letter No.IMP/309472625/19 dated 11.12.2019 and IMP/311169863/21 dated 02.09.2021.

6.The learned counsel for the second respondent on the basis of the counter affidavit by the second respondent submitted that on 27.09.2019, based on information *suo motu* case was registered in Madurai City, Q branch, CID, in Crime No.1 of 2019 by R.Ganesh Babu, Inspector of Police, Q Branch, CID, Madurai city, against accused persons, namely Vaidyanathan, Kalyanaraman @ Ramesh, Anna Durai. The FIR disclosed that during the occurrence period between 01.02.2019 and 30.06.2019, Vaidyanathan entered into a criminal conspiracy with public servants for illegally obtaining Indian passports for Sri Lankans, foreign nationals and to some other Indian citizens by dishonest and fraudulent means by producing forged documents. Also they said Vaidyanathan conspired with Ramesh and Anna Durai, who were running unregistered travel agencies at Madurai and in pursuance to the conspiracy, they have fabricated various false documents and by using them as genuine, have obtained Indian passports



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to several Sri Lankan Nationals and that Shanmugasundaram in furtherance to the said conspiracy had cleared police clearance for the forced persons in connivance with the police personnel and delivered Indian passports in connivance with the postman of the concerned post office. During a search, in this regard, 124 Indian passports were identified among which, it was understood that the petitioner had also obtained a passport bearing No.M8112399 in the name and address of Naveen, son of Mohammed Yusuf, No.230-12, Karisalpatti, Tiruppathur Taluk, Sivagangai, with the date of birth 28.06.1996 and another passport bearing No.R3052629 with the name and address of Mohammed Naveen, son of Mohammed Yusuf, No.230-12 Karisalpatti, Thiruppattur Taluk, Sivagangai.

7.This Court is of the considered view that obtaining two different parallel passports with different credentials by submitting fake birth certificate cannot be dealt with easily and certainly the petitioner's conduct attracts appropriate action under Sections 10(3)(b) and 12(1)(b) of the Indian Passports Act, 1967. Recording the submission of the learned counsel for the first respondent that the matter will be referred to the concerned jurisdictional police to investigate into the matter for having submitted fake birth certificate for obtaining passport with date of birth 28.06.1996 and considering the fact that the petitioner is a graduate, who is duly educated cannot be presumed to be innocent since he had willfully obtained two passports and had utilized the same for the purpose of



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traveling abroad well within his knowledge and hence, he cannot plead
innocence.

8. Accordingly, the case of the petitioner fails and the same is
dismissed. There shall be an order as to costs.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Regional Passport Officer,
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2. The State of Tamil Nadu,
Represented by the Inspector of Police,
'Q' Branch CID,
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L.VICTORIA GOWRI, J.

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