



W.P.(MD)No.30059 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.30059 of 2024

S.Ubaidulla

: Petitioner

Vs.

1. The Immigration Officer,
Bureau of Immigration,
Trichy International Airport,
Tiruchirappalli.

2. The Passport Officer,
Regional Passport Office,
Flat No.A5,
Salai Road and Shastri Road Junction,
Thillainagar, Tiruchirappalli.

3. The State of Tamil Nadu,
The Inspector of Police,
Airport Police Station,
Tiruchirappalli.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 to return back the Petitioners Passport No.U2971305 by considering his representation dated 22.11.2024.



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For Petitioner : Mr.SMA Jinnah

For Respondents : Mr.R.Govindarajan

Deputy Solicitor General of India
for R1 and R2

Mr.K.Gnanasekaran

Government Advocate (CrI.Side) for R3

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the first respondent to return back the petitioner's Passport No.U2971305, by considering his representation dated 22.11.2024.

2. The petitioner claims that he was employed at a flower shop in Malaysia for the past ten years. Due to the non-availability of his birth certificate, he originally obtained his first passport by recording his age as 01.03.1969. Later, during the COVID pandemic, while returning to India from Malaysia, he lost his passport. As a result, he applied for a new passport using his Aadhaar card, which correctly stated his date of birth as 22.05.1978, and he received the passport. However, on 18.10.2024, while traveling from Malaysia to Trichy, his passport was



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seized by the first respondent and handed over to the third respondent, who, in turn, registered a case in Crime No. 366 of 2024. The petitioner was arrested and later released on bail. The petitioner's grievance is that he obtained the second passport without any concealment or misrepresentation of information. In this regard, the petitioner sent a detailed representation on 08.11.2024 to the second respondent, requesting for return of his passport. Since no response was received, the present writ petition has been filed before this Court.

3. Per contra, the learned Deputy Solicitor General, relying on the counter-affidavit filed on behalf of the second respondent, argued that the petitioner suppressed his previous passport and obtained the second one by providing false information, which is in violation of the provisions under Section 10(3)(b) and 12(1)(b) of the Passports Act, 1967. The relevant portions of the counter-affidavit are extracted hereunder:

“It is submitted that our records check reveals that the petitioner had already obtained a Passport number T638879 dated 24/02/1995 valid upto 23/02/2005, from the Regional Passport office, Chennai. The name of the



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applicant as mentioned in the said passport is Mr. Sharbudin Ubaidulla, the date of birth is 01/03/1969 and the place of birth is Pithanatham. The said passport number T638879 was renewed in the year 2006 from Passport office Trichy and he obtained passport number F8910722 dated 19/07/2006 valid upto 18/07/2016. Subsequently, the passport number F8910722 was renewed in the year 2015 from High Commission of India Malaysia and a passport number L4935573 dated 13/02/2015 valid upto 12/02/2025 was issued to the petitioner.

7. However, it is pertinent to mention that the petitioner has suppressed his previous passport and obtained the 2nd passport no. U2971305 dated 18/11/2020 valid upto 17/11/2030 by giving wrong particulars. This is an offence under the provisions of section 10(3)(b) and 12(1)(b) of the Passports Act, 1967. below: Relevant extracts from the Passports Act, 1967 are reproduced

The passport authority may impound or cause to be impounded or revoke a passport or travel document,-



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a. 10(3)(b): If the passport or travel document was obtained by suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf.

b. 12(1)(b): Knowingly furnishes any false information or suppress any material information with a view to obtaining a passport or travel document under this Act shall be punishable with imprisonment for a term which may extend to [two years or with fine which may extend to five thousand rupees] or with both.”

4. The learned learned Deputy Solicitor General further submitted that since the petitioner has the right to file an appeal under Section 11 of the Passports Act, 1967, he should have availed the same.

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

6. Considering the objections raised by the learned Deputy Solicitor General and also taking note of the fact that there is an



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alternative and efficacious remedy of appeal available to the petitioner under Section 11 of the Passports Act, 1967, this writ petition is disposed of granting liberty to the petitioner to file an appeal. There shall be no order as to costs.

05.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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