

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.07.2022**

**CORAM**

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.13544 of 2022**

Sureshkumar

... Petitioner

Vs

1.The Regional Passport Officer,  
Claret Plaza, Melakkal Main Road,  
Kochadai, Madurai – 625 016.

2.The State, rep.by the Inspector of Police,  
Q Branch CID Police Station,  
Madurai.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to renew the petitioner's passport No.K0865983 and to issue the passport vide the petitioner's application No.MD1074120739522 dated 19.04.2022.

For Petitioner : Mr.D.Rameshkumar

For Respondents : MrV.Malaiyendran for R1

Mr.G.Sivaraja, Government Advocate for R2



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**ORDER**

The petitioner had approached the Regional Passport Officer, Madurai for renewal of his passport by submitting an application dated 19.04.2022. The passport authority sought verification report from the police. The police reported that a criminal case is pending against one Nazirudheen and that the petitioner's passport was seized in that connection. In view of the said report, the passport authority did not process the petitioner's application. That led to the filing of this writ petition.

2. When the matter was taken up for hearing, the learned Government Advocate appearing for the second respondent submitted that the petitioner had not come under their adverse notice. Thiru. Nazirudheen who was referred to in the police verification report of course figured as an accused in Crime No.1 of 2019 registered on the file of the Q Branch CID Police, Madurai. He happened to be the petitioner's travel agent. Except this relationship, there was nothing adverse to the petitioner. The second respondent made it clear that they have no objection for allowing the writ petition.

3. I could have simply noted the stand of the second respondent and allowed the writ petition as prayed for. But my conscience did not permit me



to leave things at that. My Lord the Hon'ble Chief Justice had allotted the

General Miscellaneous portfolio which includes the subject of passports.

Crime No.1 of 2019 was registered by Q Branch CID Police, Madurai based on credible information that one Vaithyanathan in conspiracy with unknown public servants and others at Madurai and Trichy fraudulently obtained Indian passports for many Sri lankan and Indian nationals by using forged documents. The criminal acts in question had taken place during the period from 01.02.2019 to 30.06.2019. The case was registered for the offences under Sections 120B, 420, 465, 468, 471 of IPC and Sections 12(1A)(a), 12(1A)(b) and 12(2) of the Passport Act, 1967. I was also informed that a public interest litigation in WP(MD)No.2563 of 2021 was filed seeking transfer of investigation to CBI. The Hon'ble Division Bench was however pleased to direct the Q Branch to complete the investigation within three months. This time limit was later extended by a period of six months. I felt surprised that this direction of the Hon'ble Division Bench was not complied with. Final report was yet to be filed on the ground that sanction had not been obtained for prosecuting the erring government servants.

4.Judges do not live in vacuum. They are not isolated from the ground reality. I read in newspapers that Shri.K.Annamalai, the State BJP President had raised this very same issue in a big way. Almost three years had elapsed



since the first information report was registered. I could not turn a Nelson's

eye. After granting relief to the petitioner by way of an interim direction, I

called upon the second respondent to file a status report. I wanted to know

as to why sanction was not being accorded. Pursuant to the said direction,

the second respondent has filed a detailed status report. It is seen therefrom

that as many as 41 persons are proposed to be prosecuted. This includes the

officials from the Regional Passport Office, Madurai and State police officials.

The Central Government had granted sanction in respect of one of its servants

and declined for 13. The Government of Tamil Nadu has granted sanction for

prosecuting Thiru.Sivakumar, the then Assistant Commissioner of Police,

Intelligence Section, Madurai City. Apart from him, one Inspector and three

Head Constables are also proposed to be prosecuted. The final report is to be

filed shortly before Judicial Magistrate No.IV, Madurai. The learned Magistrate

is directed to scrutinize the same and point out the defects, if any. Once the

defects are pointed out, the investigation officer shall rectify forthwith. The

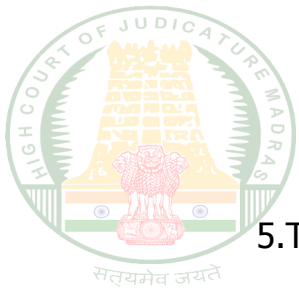
learned Trial Magistrate shall take a call regarding cognizance expeditiously.

Already several months have elapsed. The case has serious national security

implications. It is scandalous that one police station in Madurai City has

facilitated fraudulent issuance of as many as 54 passports. The corrupt

elements must be brought to book at the earliest.



5. The process of police verification in connection with passport applications is well known. The application is sent to the jurisdictional police station of the District/City Police where the residence of applicant is located through the portal for field verification. There are four logins for the police at various levels :

- One for the field enquiry police officer.
- One for the SHO.
- One for the District / City Police.
- One for the DSP/ACP (authorised by SP/COP) who acts as the nodal officer for passport verification.

At the Police Station, login is given to the field enquiry police officer, invariably a Head Constable of each police station who is nominated by the SHO for passport field verification. Login is provided for the SHO who accepts the verification of the field enquiry police officer and submits the status of verification to the district / city office.

### ***Verification process by Field police***

This is done through mPassport Application. The field enquiry police officer logs in to the app from the Tablet with his login details. In the home page, the list of Police Verification Requests will be populated and each request is selected for the verification process. The field enquiry Police officer is now



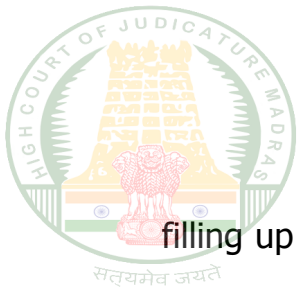
required to answer few questions on Identity Check and Criminal Background.

The questions that are to be answered by the field enquiry police officer pertain to the following :

- is there any doubt regarding the citizenship of the applicant;
- is any criminal case pending;
- is any warrant is pending; and
- is any court order against his movement pending and others.

For the query on citizenship, the police invariably depend on the documents furnished by the applicant and they are documents like birth certificates, 10<sup>th</sup> certificate, AADHAAR card, previous passport etc. Regarding criminal antecedents, verification is based on CCTNS check. In the fields for the remarks – Nil adverse or Case particulars are mentioned depending on the enquiry results. PVR status is selected as Clear or Adverse as the case may be. The field enquiry police officer uploads his signature and also uploads the documents that are bought by the applicant during field verification. This completes the field verification on the mPassport Police APP by the Field enquiry police officer.

The next role is that of the SHO who logs in on the passport seva web page through his log in ID and **approves the verification done by the field enquiry Police officer**. This involves his signature being uploaded and



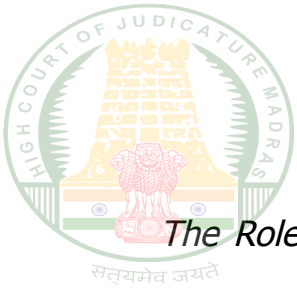
filling up of the remarks if any. The signature is a picture of the sign made on

a paper and is uploaded through the portal directly. At the District/City level –

2 logins are provided. One login is a general one to view the overall status of passports verification requests received, verifications completed, pending list etc.

The next login is the one that can be opened only in the designated system earmarked for passport verification for the district/city to access the portal for final approval. This can be accessed only by using a particular dongle that is provided by the passport authority to the district SP/COP, City. The district SP or city COP nominates one DSP/ACP level officer who on behalf of the district forwards all the verified applications with any remarks to the passport office.

The verified passports get accumulated at the district login end which is opened by the nodal DSP/ACP level officer (nominated by the SP/COP) authorised to do the super check and final approval. The DSP, invariably the DCRB DSP in Districts and AC IS in cities is entrusted with the dongle that is required to be inserted in the designated computer while giving a final approval. However, during the final approval the DSPs enter remarks alone and they can't over write the fields already filled by the police station. A Rural district typically handles somewhere between 150 to 200 passports per day and is forwarded after verification to the passport office by the Nodal DSP.



*The Role played by the field enquiry police officer is the most crucial. The*

DSPs/ACPs role is important for creation of new / alteration of IDs of SHO and Field Police officers as he is the one vested with the power. This role is delegated to the nodal DSP / ACP by the SP/COP and he is the custodian of the passport dongle and the designated passport verification system. SPs and COPs generally review the total number of passports verifications requests received, verifications completed and verifications pending during the periodic monthly crime review meetings.

6. One can note that that the buck stops with the nodal officer. The involvement of the officials above the said rank may not really arise. During the relevant time, Shri.S.Davidson Devasirvatham, IPS was the Commissioner of Police, Madurai City. Had the final report been filed before the public interest litigation was instituted in the year 2021 ; had the time limit laid down by the Hon'ble Division Bench been adhered to ; had the sanctioning authorities accorded sanction without delay, the present controversy would not have arisen at all. I give a clean chit to Shri.S.Davidson Devasirvatham IPS. At the same time, I compliment Shri.K.Annamalai, the State Bharatiya Janata Party President for having taken up the cause. He has played the role of a watch dog in a democracy. But for him the matter would not have come to light.





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**27.07.2022**

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To

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Kochadai, Madurai – 625 016.
- 2.The State, rep.by the Inspector of Police,  
Q Branch CID Police Station, Madurai.



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**G.R.SWAMINATHAN, J.**

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