

W.P(MD)No.15367 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15367 of 2015

S.Chandran

... Petitioner

Vs.

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

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the cancelation of the petitioner's passport as illegal and consequently direct the respondent to issue passport for the petitioner within the time frame stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.S.Jeyasingh



ORDER

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Heard the learned counsel on either side.

2.The petitioner applied to the Regional Passport Officer, Trichy in the year 1994 and obtained passport. He was working as Mason in Singapore. The passport was subsequently renewed. The petitioner's passport expired in the year 2014. He once again applied for renewal through an agent. The agent had given false particulars. Therefore, the petitioner was asked to appear for enquiry before the police authority. The petitioner appeared before the police authority and surrendered his passport. The petitioner's passport has been impounded. That led to the filing of this writ petition.

3.The prime argument of the learned counsel for the petitioner is that the impounding was done without notice to the petitioner. The petitioner has sought declaration that the cancellation of his passport is illegal.



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4.The respondent has filed counter affidavit and the learned standing counsel took me through its contents. He pointed out that when the petitioner had submitted false particulars, the consequence will have to follow. He called upon this Court to dismiss writ petition.

5.I carefully considered the rival contentions and went through the materials on record. The petitioner was employed as labourer in foreign countries. He was working in Singapore and later in Middle East. The action taken by the respondent cannot be faulted. If false particulars and false documents are given, the Passport Authority has no option but to impound the passport.

6.The petitioner has nowhere challenged the basic premises on which the impugned action is resting. Therefore, the question of granting declaration as sought for does not arise.

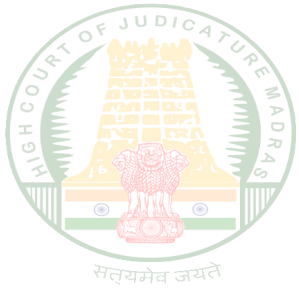
7.At the same time, this Court cannot lose sight of the human angle. It is a fact that the citizens take the services of middle men and



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agents to transact with the authorities. In this case, the agent employed by the petitioner had indulged in fraud. In order to quicken the process of obtaining passport, he has given false particulars. During verification, the same came to light.

8.However, for almost nine years, the petitioner has been without any passport. Obviously his life and career has been affected. Even if the petitioner had committed a mistake, he cannot be condemned for ever. The biblical concept of eternal damnation goes ill with the reformatory trend in modern jurisprudence. In my view, the petitioner has suffered disproportionately. I permit the petitioner to submit a fresh application before the respondent. I hope that the petitioner would have learnt his lessons and this time he would submit correct particulars. If any such application is submitted, the same shall be considered and the petitioner is issued with passport provided there is no other impediment and subject to fulfillment of usual formalities.

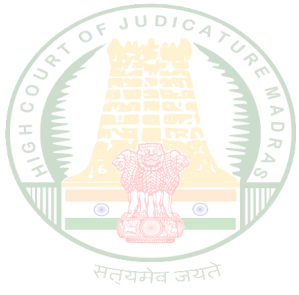


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WEB COPY 9. This writ petition is allowed on these terms. No costs.

11.07.2023

NCC : Yes/No
Index : Yes / No
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VERDICTUM.IN



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G.R.SWAMINATHAN, J.

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