

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WA.No. 2029 of 2015 (G) IN WP(C).22869/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 22869/2015 of HIGH COURT OF
KERALA DATED 05-08-2015

APPELLANT(S) :

JAGANATHA PRASAD @ REGHU AGED 59 YEARS
S/O.LATE C.SAHADDEVAN, RESIDING AT C.C.SADANAM, T.B.ROAD
KODIMATHA KARA, KOTTAYAM VILLAGE. KOTTAYAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENT(S) :

1. RAJENDRA PRASAD, AGED 61 YEARS
S/O.LATE C.SAHADDEVAN, 19 JEEVNA SARTH
DATTAMANDIR ROAD, VAKOLA PIPE LANE, SANTACRUZ (E)
MUMBAI -55, FROM 'C.S.SADANAM, T.B.ROAD
KODIMATHA KARA
KOTTAYAM VILLAGE. KOTTAYAM. NOW RESIDING AT 4-C
CENTURY TOWERS, NEAR Y.W.C.A., KOTTAYAM 686 001.

2. SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIR, PATIALA HOUSE, ANNEXE
TILAK MARG, NEW DELHI 110001.

3. REGIONAL PASSPORT OFFICER
MINISTRY OF EXTERNAL AFFAIRS
MANISH COMMERCIAL CENTRE, 216 A, DR. A.B.ROAD
WORLI, MUMBAIR 400030.

4. SECTION OFFICER
(P.V-1), CPV DIVISION, MINISTRY OF EXTERNAL AFFAIRS
PATIALA HOUSE, ANNEXE, TILAK MARG
NEW DEHLI 110001.

5. REGIONAL PASSPORT OFFICER
NAGAMPADAM, KOTTAYAM 686 002.

R1 BY ADV. SRI.DINESH R.SHENOY
R2 TO R5 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A.No.2029 of 2015

Dated this the 15th day of September 2015

J U D G M E N T

Shaffique, J.

This appeal has been filed by the petitioner in W.P.(C) No.22869 of 2015 challenging the judgment dated 5.8.2015, by which, the learned Single Judge had dismissed the writ petition on the ground that this Court has no jurisdiction to entertain the writ petition. The petitioner had approached this Court seeking for a direction to respondents 2 to 5, namely; (2) the Secretary to the Government of India, Ministry of External Affairs, (3) the Regional Passport Officer, Ministry of External Affairs, (4) the Section Officer, Ministry of External Affairs, Patiala House, New Delhi and (5) the Regional Passport Officer, Kottayam to initiate prosecution proceedings against the first respondent on the basis of Ext.P4 complaint.

2. In Ext.P4 complaint, it is stated that the petitioner's brother had obtained a passport from Mumbai stating that his Date of Birth is 18.5.1954. According to the petitioner, as per Ext.P3 certificate issued by the Local Self Government Institution,

the Date of Birth is shown as 9.12.1954. This, according to the petitioner, leads to misrepresentation and hence, he had sought for cancellation of the passport issued in favour of his brother and also to take appropriate steps against his brother.

3. The learned Single Judge observed that since the authority to consider whether the passport is to be cancelled or not is the Passport Officer at Mumbai, merely for the reason that the petitioner had sent a representation within the jurisdiction of this Court, no part of cause of action arises within the jurisdiction of this Court either wholly or in part and therefore, this Court has no territorial jurisdiction to entertain the writ petition.

4. Learned counsel for the appellant would submit that the 2nd respondent, namely; the Secretary to the Government of India, Ministry of External Affairs, under whom, the Passport Officer functions has been made a party to the writ petition and therefore, the writ petition can be entertained against the Central Government.

5. We do not think that such a contention can be taken by the appellant as the relief claimed is against the Passport Officer, who is stationed at Mumbai. The passport, apparently, was issued from Mumbai and was renewed at Dubai. Under such

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circumstances, we agree with the view of the learned Single Judge that this Court has no territorial jurisdiction to entertain the writ petition.

Under such circumstances, we do not find any merit in the writ appeal. Accordingly, the same is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//True copy//

P.A. To Judge

Jvt/18.9.2015.