

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 649 of 2015 (E)

PETITIONER:

**SANTHOSH, AGED 43 YEARS,
S/O.DHARMAN, POOZHICKUNNATH HOUSE,
NATIKA VILLAGE & DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT.

RESPONDENT:

**REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, KOCHI-682 036.**

BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- | | |
|--------|--|
| EXT.P1 | TRUE COPY OF THE FIR REGISTERED BY THE VALAPPAD POLICE IN CRIME NO.325/2011. |
| EXT.P2 | TRUE COPY OF THE FIR IN CRIME NO.324/2011 OF THE VALAPPAD POLICE. |
| EXT.P3 | TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING NO.E8901074 OF THE PETITIONER. |
| EXT.P4 | TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING NO.L9541015. |
| EXT.P5 | TRUE COPY OF THE ORDER DATED 16.06.2014 IN CRL.M.P.6274/2014 IN C.C.570/2011. |
| EXT.P6 | TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING NO.MO 197555. |
| EXT.P7 | TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 13.11.2013 IN WP(C).NO.26084/2013. |

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 649 of 2015

Dated this the 15th day of January, 2015

J U D G M E N T

The petitioner is the holder of Indian Passport bearing No.L9541015. The original passport ie, Ext.P3 was valid till 20.05.2014. Pursuant to the steps taken for renewal, it was renewed and Ext.P4 passport was issued, which was valid till 20.05.2024. In the meanwhile, Ext.P1 & P2 crimes came to be registered against the petitioner, by virtue of which the passport was recalled. The petitioner surrendered the passport and by virtue of the immediate requirement pointed out, it was reissued as per Ext.P6 bearing No. MO197555 wherein the validity of the period has been restricted to 'one year', which made the petitioner to approach this Court by filing the writ petition, seeking for renewal of the passport for the normal period of 10 years.

2. The learned counsel for the petitioner points out that, because of the course pursued, much hardship and adverse results have been caused and the petitioner, finds it difficult to obtain or continue his employment, in view of the procedural

steps to be pursued and completed at different levels including by the employer. When the petitioner wanted to go abroad for a period of six months, necessary application was preferred before the concerned Magistrate's Court and after considering the requirement, Ext.P5 order was passed on 16.06.2014, whereby the petitioner was permitted to go abroad for a period of 'six months' from the date of the order.

3. According to the respondents, it was in view of the said stipulation that the reissued passport by way of Ext.P6 restricted the tenure of renewal only for a period of one year. Reliance is sought to be placed by the petitioner on Ext.P7 judgment passed by this Court under almost similar circumstances, where it has been held that the renewal of the passport has to be effected for the normal tenure also recording the undertaking of the petitioner to appear before the concerned Magistrate's Court as and when necessitated or to surrender the passport as and when demanded.

4. The learned counsel for the petitioner points out that, similar course can be there in the present case as well and the petitioner will proceed to go abroad only after getting necessary

clearance/orders from the concerned Magistrate's Court, more so when the period prescribed in Ext.P5 is already over.

5. The submission and undertaking are recorded. In the above circumstances, there will be a direction to the respondent to effect renewal of the passport for the normal term taking necessary steps in this regard within 'one month' from the date of surrendering the original of Ext.P6 passport and also on filing an affidavit before the respondent, that the passport will be surrendered as and when demanded and further that the petitioner will proceed to go abroad only after getting necessary clearance from the concerned Magistrate's Court.

Writ petition is disposed of accordingly. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.