

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 3556 of 2015 (T)

PETITIONER(S) :

**FAISAL EDATHUM THAZHA, AGED 36 YEARS,
S/O.LATE ABDULLA, EDATHUM THAZA HOUSE, KAYANNA BAZAR,
KAYANNA POST, PERAMBRA VIA, CALICUT.**

**BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN**

RESPONDENT(S) :

- 1. THE JOINT SECRETARY (PSP) & CHIEF PASSPORT OFFICER,
MINISTRY OF EXTERNAL AFFAIRS, CPV DIVISION,
PATIALA HOUSE ANNEX, TILAK MARG, NEW DELHI-110 001.**
- 2. THE PASSPORT OFFICER,
PASSPORT OFFICE, CALICUT-673 001.**

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1: TRUE COPY OF THE FIRST PAGE OF THE PASSPORT NO.J4201356

EXT.P2: TRUE COPY OF THE FINAL REPORT FROM DATED 10.06.2009.

EXT.P3: TRUE COPY OF THE ORDER DATED 17.07.2012.

EXT.P4: TRUE COPY OF THE COMMUNICATION DATED 06.01.2014.

EXT.P5: TRUE COPY OF THE POSSESSION NOTICE DATED 17.01.2014.

EXT.P6: TRUE COPY OF THE REQUEST OF RESTORATION OF PASSPORT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P(C). No.3556 of 2015

Dated this the 5th day of August, 2015.

JUDGMENT

The petitioner is aggrieved with Ext.P3 order of impounding made by the Passport Issuing Authority [P.I.A.]. The petitioner seeks that the Passport facility may be restored.

2. The learned A.S.G.I. has filed a statement contending that, in fact the impounding was made long before and the petitioner had preferred an appeal, which was dismissed. The petitioner's Passport was impounded, since on his arrival at India, he had been arrayed as an accused in a case. Hence, on intimation of the Directorate of Enforcement [Foreign Exchange], Hyderabad Zonal Office, the petitioner's Passport was impounded. It is also submitted that, if the petitioner produces an order from the concerned Court, in which the case is pending, the Passport facilities would be restored, on the petitioner making

a fresh application.

3. In any event, since the Passport has already been impounded long back and the appeal also stands rejected, there is no ground for seeking restoration of that Passport. However, as fairly submitted by the respondents, if the petitioner makes a fresh application along with an order obtained from the Court, in which the case is pending, specifying the period of validity of such Passport, necessarily the respondents would consider the same, *de hors* the fact that earlier an impounding was made.

The writ petition is disposed of.

**K. VINOD CHANDRAN,
JUDGE**

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