

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 3970 of 2015 (U)

PETITIONER(S):

**KORAKKOTTIL MOHAMMEDALI @ MUHAMMED RIYAS,
KORAKKATTIL HOUSE, MUTHUTHALA P.O., PALAKKAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENT(S):

- 1. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, MALAPPURAM, PIN-676 505.**
- 2. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, THRISSUR, PIN-678 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 3970 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1. TRUE COPY OF THE ORDER OF THE C.J.M. MANJERI DATED 27-5-2014 IN
CRL. M.P. NO. 1731/2014.**

**EXT.P2. TRUE COPY OF THE PASSPORT ISSUED TO THE PETITIONER
DATED 12-8-2014.**

**EXT.P3. TRUE COPY OF THE JOB OFFER LETTER ISSUED TO THE PETITIONER
DATED 29-1-2015.**

RESPONDENT(S)' EXHIBITS:

**ANNEXURE R1(a): A COPY OF THE GSR 570(E) DTD.25.8.1993 ISSUED BY THE
MINISTRY OF EXTERNAL AFFAIRS.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3970 of 2015

Dated this the 2nd day of March, 2015

J U D G M E N T

The petitioner is the holder of Indian Passport bearing No.MO787474. Grievance is with regard to the restriction imposed by limiting the validity period from 12.08.2014 to 11.08.2015, by virtue of which, the petitioner is not in a position to get the 'Employment Visa' as it is less than for a period of one year. Reference is also made to the job letter dated 29.01.2015, a copy of which has been produced as Ext.P3. The request made by the petitioner to show the normal validity period in the passport has been turned out, and hence the writ petition with the following prayers.

- “i) Issue a writ of mandamus or any other appropriate writs, orders of directions commanding the respondents to show the validity of Exhibit P2 as 10 years from the date of issue;*
- ii) Grant such other reliefs, as this Hon'ble Court may deem fit and proper in the circumstances of the case.”*

2. A statement has been filed on behalf of the respondents paragraph 3 of which reads as follows:

3. *Passport No.M0787474 dated 12.08.2014 valid for 1 year was issued to Shir Korakkottil Mohammedali Muhammed Riyas as per the order from the court of Chief Judicial Magistrate, Manjeri vide order No.Crl.MP 1731/14 in Cr.232/14 of Karippur Police Station.*

3. The learned Central Government counsel submits that as per Annexure R1(a) notification the course pursued by the concerned respondent is perfectly within the four walls of law and not assailable under any circumstances. Clauses (a) (i) and (c) of R1(a) are relevant which are extracted below.

“(a) the passport to be issued to every such citizen shall be issued-

- (i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or*
- (c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;”*

4. it is brought to the notice of this Court that, while granting liberty to the petitioner to apply for and obtain passport and go abroad, the concerned trial Court, vide Ext.P1, had put a rider to the effect that, it shall only be for a period of one year. Condition No.3 incorporated in Ext.P1 order reads as follows;

- 3) *Leave is hereby granted to the petitioner to go abroad to join his duty on the undertaking that he should*

appear before the court during trial, as and when required by filing affidavit on executing a bond of ₹25,000/- with two solvent sureties, out of which one of them should be a close relative of the petitioner, and a cash security of ₹25,000/-, for a period of one year which starts to run from the date of the issuance of the passport."

5. In view of the above, the petitioner has to approach the concerned Magistrate's Court and obtain necessary clearance to the appropriate extent. Subject to obtaining sanction as above, it is stated that, the request made by the petitioner shall be considered and appropriate steps shall be taken for extending the validity.

Without prejudice to the rights and liberties of the petitioner to move the concerned Magistrate's Court, the writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.