

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 8048 of 2015 (E)

PETITIONERS :

1. SONALI SIVAPRASAD, AGED 29 YEARS,
W/O.ANISH KUMAR MANAPPU RATHUPARAMBIL, HOUSEWIFE
D/O.RAMAN SIVAPRASAD AND SIVAPRASAD SAVITHRI
FROM 6/153 CHITHIRA, KOTTAPPURAM ANADHAPALLY P.O.
ADOOR, PATHANAMTHITTA PIN - 69 523
NOW RESIDING AT ANISH BHAVAN, NEDUMPRAM P.O.
THIRUVALLA, PATHANAMTHITTA PIN - 689 578.
2. ANAMIKA ANISH, D/O.ANIZH UMAR AND SONALI SIVAPRASAD,
ANISH BHAVAN AGED 2 YEARS, NEDUMPRAM P.O., THIRUVALLA
PATHANAMTHITTA PIN - 689 578. REPRESENTED BY HER
MOTHER AND NATURAL GUARDIAN AS NEXT FRIEND SONALI SIVAPRASAD
W/O.ANISH KUMAR MANAPPU RATHUPARAMBIL, HOUSEWIFE
D/O.RAMAN SIVAPRASAD AND SIVAPRASAD SAVITHRI
FROM 6/153 CHITHIRA, KOTTAPPURAM ANADHAPALLY P.O.
ADOOR, PATHANAMTHITTA PIN - 69 523
NOW RESIDING AT ANISH BHAVAN, NEDUMPRAM P.O.
THIRUVALLA, PATHANAMTHITTA PIN - 689 578.

BY ADVS.SRI.M.P.RAMNATH
SRI.P.RAJESH (KOTTAKKAL)
SRI.K.J.SEBASTIAN
SEI.M.VARGHESE VARGHESE
SMT.UMA R.KAMATH
SMT.S.SANDHYA
SRI.BEPIN PAUL
SRI.SHALU VARGHESE

RESPONDENTS :

1. THE ASSISTANT DIRECTOR/PORT REGISTRATION OFFICER,
BUREAU OF IMMIGRATION, TRIVANDRUM INTL. AIRPORT
GOVERNMENT OF INDIA TRIVANDRUM
INTERNATIONAL AIRPORT, TRIVANDRUM PIN - 695 008.
2. ASSISTANT FOREIGNERS REGIONAL REGISTRATION OFFICER (AFRRO)
BUREAU OF IMMIGRATION, GOVERNMENT OF INDIA
TRIVANDRUM INTERNATIONAL AIRPORT, TRIVANDRUM PIN - 695 008.

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3. THE REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE- TRIVANDRUM. TRIVANDRUM PIN 695001.
4. MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA,
PATTIALA HOUSE, TILAK MARG, NEW DELHI 110001
REPRESENTED BY THE SECRETARY
5. MINISTRY OF HOME AFFAIRS, INTELLIGENCE BUREAU,
GOVERNMENT OF INDIA, SARDAR PATEL MARG,
NEW DELHI 1100001, REPRESENTED BY THE SECRETARY

R1 TO R5 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE PHOTO COPY OF THE SCANNED COPY OF THE H2B CLASS VISA STAMPED BY THE UNITED STATES OF AMERICA IN FAVOUR OF ANISH KUMAR MANAPPUR - THE HUSBAND OF THE 1ST PETITIONER.
- P2: TRUE PHOTO COPY OF THE SCANNED COPY OF LETTER OF APPROVAL OF T-1 CLASS P2-APPROVAL - VALID FROM 14.9.2012 TO 13.9.2016 - ISSUED BY THE DEPARTMENT OF HOME LAND SECURITY, UNITED STATES OF AMERICA CITIZENSHIP AND IMMIGRATION SERVICES TO ANISH KUMAR MANAPPU - THE HUSBAND OF THE 1ST PETITIONER.
- P3: TRUE PHOTO COPY OF THE SCANNED COPY OF THE EMPLOYMENT AUTHORISATION CARD ISSUED BY THE UNITED STATES OF AMERICA TO ANISH KUMAR MANAPPU - HUSBAND OF 1ST PETITIONER
- P4: TRUE PHOTO COPY OF THE SCANNED COPY BEARING IMPRESSION OF THE SOCIAL SECURITY CARD, TWIC CARD (TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL), DRIVER'S LICENCE ISSUED BY THE AUTHORITIES IN LOUISIANA, ALLIANCE SAFETY CARD, INDUSTRIAL SAFETY TRAINING COUNCIL CARD, ALL ISSUED IN THE UNITED STATES OF AMERICA TO ANISH KUMAR MANAPPU -THE HUSBAND OF THE 1ST PETITIONER.
- P5: TRUE PHOTO COPY OF THE SCANNED COPY OF NOTICE OF ACTION/APPROVAL OF 1ST PETITIONER'S TRAVEL TO USA, UNDER CLASS T-2 (DERIVATIVE APPLICANT) VALID FROM 2.7.2014 TO 13.9.2016 ISSUED BY THE DEPARTMENT OF HOMELAND SECURITY, US CITIZENSHIP & IMMIGRANT SERVICES.
- P6: TRUE PHOTO COPY OF THE SCANNED COPY OF NOTICE OF ACTION/APPROVAL OF 2ND PETITIONER'S TRAVEL TO USA, UNDER CLASS T3 (DERIVATIVE APPLICANT) VALID FROM 2.7.2014 TO 13.9.2016 ISSUED BY THE DEPARTMENT OF HOMELAND SECURITY, US CITIZENSHIP & IMMIGRANT SERVICES.
- P7: TRUE PHOTO COPY OF THE RELEVANT PAGES OF 1ST PETITIONER'S PASSPORT ISSUED BY 3RD RESPONDENT BEARING PASSPORT NO. H5806432, WITH THE R T2 VISA STAMPED THEREUPON OF THE UNITED STATES OF AMERICA, FROM ITS CHENNAI (MADRAS) CONSULATE OFFICE.
- P8: TRUE PHOTO COPY OF THE RELEVANT PAGES OF 2ND PETITIONER'S PASSPORT ISSUED BY 3RD RESPONDENT BEARING PASSPORT NO.L4892682, WITH THE R T3 VISA STAMPED THEREUPON OF THE UNITED STATES OF AMERICA, FROM ITS CHENNAI (MADRAS) CONSULATE OFFICE.
- P9: TRUE PHOTO COPY OF THE FLIGHT TICKET PRINT OUT OF THE 1ST PETITIONER WITH BOARDING DTED FROM TRIVANDRUM AS 13.2.2015.
- P10: TRUE PHOTO COPY OF THE FLIGHT TICKET PRINT OUT OF THE 2ND PETITIONER WITH BOARDING DTED FROM TRIVANDRUM AS 13.2.2015.
- P11: TRUE PHOTO COPY OF THE SEIZURE LETTER DATED 13.2.2015 FOR SEIZURE OF PASSPORT OF 1ST PETITIONER (PASSPORT NO. H 5806432), ISSUED BY THE 2ND RESPONDENT.
- P12: TRUE PHOTO COPY OF THE SEIZURE LETTER DATED 13.2.2015 FOR SEIZURE OF PASSPORT OF 2ND PETITIONER (PASSPORT NO. L4892682), ISSUED BY THE 2ND RESPONDENT.

WP(C).No. 8048 of 2015 (E)

- P13: TRUE COPY OF THE REQUEST DT 6.3.2015 FOR RETURN OF BOTH PASSPORTS, GIVEN BY HTE 1ST PETITIONER TO THE 3RD RESPONDENT.**
- P14: TRUE PHOTOCOPY OF INTERIM ORDER DATED 19.12.2014 IN WP(C) NO.33046 OF 2014 OF THE HONOURABLE HIGH COURT OF KERALA.**
- P15: TRUE PHOTO COPY OF JUDGMENT DATED 4.3.2015 IN WP(C) NO.33046 OF 2014 OF THE HONOURABLE HIGH COURT OF KERALA**
- P16: COPY OF THE ENTIRE COUNTER AFFIAVIT DATED 6/1/2015 WITH EXHIBITS FILED BY RESPONDENTS 1 TO 3 IN WPC NO. 33046/2014 BEFORE THIS HON'BLE COURT.**
- P17: COPY OF THE ENTIRE STATEMENT DT 28/1/2015 FILED BY THE R4 (MINISTRY OF EXTERNAL AFFAIRS) ALONG WITH THE ANNEXURE, IN WPC NO. 33046/2014 BEFORE THIS HONOURABLE COURT.**
- P18: COPY OF REPLY AFFIDAVIT DT 8/1/2015 FILED BY THE PETITIONERS IN WPC NO. 33046/2014, TO THE COUNTER AFFIDAVIT DT 6/1/2015.**
- P19: COPY OF THE REPLY AFFIAVIT DT 11/2/2015 FILED BYTHE PETITIONERS IN WPC NO. 33046/2015 TO THE STATEMENT DT 28/1/2015 FILED by the R4 (MINISTRY OF EXTERNAL AFFAIRS).**
- P20: COPY OF THE AFFIDAVIT AND PETITION IA NO. 354/2015 IN WPC NO. 33046/2014 BEFOE THE HONOURABLE HIGH COURT OF KEALA AND REFERRED TO IN EXHIBIT P15 JUDGMENT.**
- P21: TRUE SCANNED COPY OBTAINED OF CERTIFICATE DT 15/6/2015 BEARING NO. HOU/CONS/405/14/2015 (T) ISSUED BY THE CONSUL GENERAL, CONSULATE GENERAL OF INDIA HOUSTON, IN RESPECT OF MR. ANISH KUMAR MANAPPU RATHU PARAMPIL KUMAR - PASSPORT NO. K7029996 (THE HUSBAND OF THE 1ST PETITIONER.**
- P22: TRUE SCANNED COPY OBTAINED OF CERTIFICATE DT 15/6/2015 BEARING NO. HOU/CONS/405/14/2015 (T) ISSUED BYTHE CONSUL GENERAL, CONSULATE GENERAL OF INDIA HOUSTON, IN RESPECT OF MS. SONALI SIVAPRASAD PASSPORT NO. H5806432 (THE 1ST PETITIONER)**
- P23: TRUE SCANNED COPY OBTAINED OF CERTIFICATE DT 15/6/2015 BEARING NO.HOU/CONS/405/14/2015 (T) ISSUED BY THE CONSUL GENRAL, CONSULATE GENERAL OF INDIA HOUSTON, IN RESPECT OF MS. ANAMIKA ANISH PASSPORT NO. L4892682 (THE 2ND PETITIONER).**

RESPONDENT(S)' EXHIBITS :

- EXT.R1(a): COPY OF THE OFFICE MEMORANDUM NO. VI/405/2/1/2013-05 DT 30/6/2014.**
- EXT.R1(b): COPY OF LETTER NO. 8-9/IMP/AFRRO/TVM-AP/2015 DT 14/2/2015.**

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 8048 of 2015

Dated this the 26th day of June, 2015

J U D G M E N T

On the basis of Exts.P21, P22 and P23 being certificates issued by the Consul General, Consulate General of India Houston, that the “T” status visa issued to Mr. Anish Kumar Manappu Rathu Parampil Kumar, his wife Ms.Sonali Sivaprasad and his daughter Ms. Anamika Anish holders of Indian Passport Nos.K 7029996, H 5806432 and L 4892682 respectively, are bonafide, Sri. Anish Kumar, his wife Ms.Sonali Sivaprasad and his daughter Anamika Anish, the petitioners herein will be allowed to leave India as and when they obtain a valid Visa and the “T” visa status remains valid.

Writ petition allowed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy/

P.A to Judge