

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 16299 of 2010 (J)

PETITIONER(S):

**SHAMSUDHEEN KOOTHU PARAMBAN,
S/O.MUHAMMED, KOOTHUPARAMBAN HOUSE,
PAYIPPULLU, THUVVOOR. P.O, PANDIKKAD (VIA),
MALAPPURAM DISTRICT.**

BY ADV. SRI.M.MUHAMMED SHAFI.

RESPONDENT(S):

- 1. THE PASSPORT OFFICER, MALAPPURAM.**
- 2. THE SUPERINTENDENT OF POLICE,
MALAPPURAM.**
- 3. THE STATION HOUSE OFFICER,
KARUVARAKKUNDU POLICE STATION,
KARUVARAKKUNDU, MALAPPURAM DISTRICT.**

**R1 BY ADV. SRI.N. NAGARESH, ASST. S.G. OF INDIA.
R2 & R3 BY GOVT. PLEADER SRI.MANOJ P.KUNJACHAN.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 COPY OF THE RECEIPT DATED 04/08/2009.

EXT.P2 COPY OF THE NOTICE DATED 15/09/2009.

EXT.P3 COPY OF THE SCHOOL CERTIFICATE.

RESPONDENT'S EXHIBITS:-

EXT.R2A COPY OF THE SCHOOL ADMISSION EXTRACT OF THE PETITIONER.

EXT.R2B COPY OF THE LETTER NO.MLPB049004/09 DATED 15/10/2009 SENT BY THE PASSPORT OFFICER, MALAPPURAM TO THE SUPERINTENDENT OF POLICE, MALAPPURAM.

EXT.R2C COPY OF THE REMINDER LTTER NO.MLPB049004/09 DATED 06/01/2010 SENT BY THE PASSPORT OFFICER, MALAPPURAM TO THE SUPERINTENDENT OF POLICE, MALAPPURAM.

EXT.R2D COPY OF THE LETTER NO.91/SBVR/10 DATED 18/06/2010 ISSUED BY THE SUPERINTENDENT OF POLICE, MALAPPURAM TO THE PASSPORT OFFICER, MALAPPURAM.

EXT.R2E COPY OF THE SHOW CAUSE NOTICE DATED 01/07/2010.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

W.P(C). No.16299 of 2010-J

Dated this the 13th day of July, 2015.

JUDGMENT

The petitioner sought for issuance of a Passport within a time frame prescribed by this Court, by this writ petition of 2010. The short allegation in the writ petition is that, when the petitioner applied for a Passport, the petitioner was asked to surrender the earlier Passport issued to him. The petitioner was surprised in so far as he had made no earlier application for Passport. The petitioner contends that, he had a desire to take a Passport at the earlier point of time, when he was working in his brother's tea shop and had taken his SSLC Book and extract of Admission Register from the School. But in fact the desire had not materialised and he had not made any application thereof. Only when the present application was made, the petitioner was informed of an earlier Passport having been issued.

2. When the matter was taken up for consideration, there is nobody to represent the petitioner.

3. On the petitioner filing the above writ petition, this Court had taken very serious note of the earlier issuance of the Passport, without the knowledge of the petitioner and directed the Director General of Police to file a report after conducting an enquiry into the Police verification, carried out at the time of issuance of Passport. A report dated 29.08.2010 is placed on record. It is indicated in the report that, the details of the petitioner as disclosed in the earlier application were more or less similar and agreeing with the actual details of the petitioner herein. However, some discrepancy was there, in so far as the spouses name is different and the address shown also different.

4. The earlier application showed the name of the Post Office in the petitioner's address as 'Koorad', while the petitioner's actual Post Office was at 'Thuvvoor'. The Deputy Superintendent of Police hence conducted an enquiry into the matter and it was found that the petitioner had been working in a

tea shop owned by his elder brother Hussain. The petitioner however was found to have not properly explained as to how the SSLC Book and Admission extract were produced before the Passport Issuing Authority (PIA) at the earlier instance.

5. The conclusion of the Enquiry Officer itself was that, the petitioner himself might have applied for a Passport on a fake address or he might have connived with somebody to obtain a Passport from that address. The Police Officer, who conducted the verification, was also examined and it was submitted by him that he had conducted the verification properly. The report of the DGP however finds that the above statement is not believable, since there is no such person in the name of the petitioner in the address given in the earlier application coming within the Koorad Post Office. A crime is also said to have been registered as Crime No.263 of 2010.

6. In the context of the petitioner having not explained the circumstance as to how the petitioner's SSLC Book and Admission extract was produced before the Passport Issuing Authority (PIA),

the petitioner's complexity in the matter would loom large disabling this Court from invoking the extra-ordinary powers under Article 226 of the Constitution of India.

The writ petition hence would stand dismissed. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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