

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K. VINOD CHANDRAN

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

W.P.(C).No. 14112 of 2015 (L)

PETITIONER:

**JUNAID K. PURADAM, AGED 24 YEARS,
S/O. SAYED AHAMMED KOYA THANGAL, ANDROTT,
LAKSHADWEEP - 682 551.**

**BY ADVS. SRI. R. ROHITH
SRI. SAYED MURTHALA THANGAL**

RESPONDENT(S):

**1. UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY ADMINISTRATOR, KAVARATHI. 682 555.**

**2. PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR P.O.
COCHIN - 682 036.**

**3. UNION OF INDIA
REPRESENTED BY SECRETARY
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI -110 001.**

**R1 BY ADV. SRI. S. RADHAKRISHNAN,SC,LAKSHADWEEP ADMN
R2 & R3 BY ADV. SRI. N. NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - A TRUE COPY OF THE RELEVANT EXTRACT OF PETITIONER'S PASSPORT.

**EXT.P2 - A TRUE COPY OF THE COMMON ORDER DATED 6-2-2014 ISSUED BY THE
HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, ANDROTH ISLAND.**

**EXT.P3 - A TRUE COPY OF THE REPRESENTATION DATED 5-5-2015 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURE

**ANNEXURE R2(a) - TRUE COPY OF THE LETTER NO. 1500002/PGR/COC DATED
15.05.2015 ISSUED BY THE 2ND RESPONDENT.**

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P.(C). No. 14112 of 2015 (L)

Dated this the 17th day of June, 2015

JUDGMENT

The petitioner is aggrieved with the fact that the passport issued to the petitioner is limited to one year. The petitioner seeks issuance of a passport for the normal validity period as is provided under The Passports Act, 1967 (hereinafter referred to as the 'Act') and the Rules framed thereunder; being 10 years.

2. The petitioner had applied for the passport after obtaining an order from the Judicial First Class Magistrate, Andrott Island produced at Ext.P2. The order discloses that the petitioner is an accused in three Calender cases having Nos. C.C 55/2011, C.C 59/2011 and C.C 58/2011. The Magistrate Court on the undertaking that the petitioner will be available for trial and other proceedings before the Court as and when required, recorded the same and directed

issuance of passport. The petitioner hence was issued with a passport for one year which the petitioner says is inadequate in so far as he intends to go abroad for employment.

3. The respondents have filed a statement in which Annexure R2(a) communication addressed to the petitioner is produced. The official respondent specifically referred to (GSR)570(E), a notification issued under Section 22 of the Act, which exempted the provisions prohibiting issuance of passport, in the case of persons who were arrayed as accused in Criminal cases, on the condition that, the application is made only on orders of the Court in which the criminal case is pending. The notification specifically provides that if any period is specified in the order of the Court, then the passport will be issued for that period and if no period is specified the passport issued will be restricted to one year.

4. In such circumstances going by the specific

exemption granted and the terms of such exemption this Court cannot invoke the extra ordinary jurisdiction under Article 226 of the Constitution of India to direct issuance of a passport for the normal validity period. The petitioner would have to seek for renewal every year, which is possible even through the Embassy at the foreign country in which he intends to take up employment. Further the petitioner also would have left his remedy to approach the Jurisdictional Magistrate Court to seek for issuance of passport for any period beyond one year, as deemed fit by that Court.

Reserving such liberties, the writ petition would stand closed. No costs.

Sd/-

K. VINOD CHANDRAN
JUDGE