

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.14155 of 2015 (T)

PETITIONER(S):-

K.P.MADHU, AGED 42 YEARS,
S/O.K.E.PUSHPANGADAN, KADAVITHARA HOUSE,
UDAYAMPEROOR POST, ERNAKULAM.

BY ADV. SRI.ABDUL JALEEL.A.

RESPONDENT(S):-

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.
2. REGIONAL PASSPORT OFFICER
PANAMPALLYNAGAR P.O., KOCHI - 682 036.
3. STATE,
REPRESENT BY SECRETARY TO HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

R1 & R2 BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH.
R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN.

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

WP(C).No.14155 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHIBIT P1. TRUE COPY OF THE COMMUNICATION DATED 23.04.2014 FROM THE OFFICE OF THE 2ND RESPONDENT.
- EXHIBIT P2. TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER DATED 20.05.2014.
- EXHIBIT P3. TRUE COPY OF THE ENQUIRY REPORT FILED BY SHRI.ANOOP KURUVILA JOHN IPS DATED 02.05.2006.
- EXHIBIT P4. TRUE COPY OF THE PROCEEDINGS OF DIG OF POLICE AWARDING THE PUNISHMENT DATED 27.06.2007.
- EXHIBIT P5. TRUE COPY OF THE ORDER IN WP(C)NO.30297/2011 DATED 14.11.2011 OF THIS HON'BLE COURT.
- EXHIBIT P6. TRUE COPY OF THE EXTENDED ORDER DATED 05.03.2012 OF THIS HON'BLE COURT.
- EXHIBIT P7. TRUE COPY OF LETTER ISSUED BY THE 2ND RESPONDENT DATED 20.03.2015.

RESPONDENT(S)' EXHIBITS

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.14155 of 2015-T

Dated this the 17th day of June, 2015

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner's application for issuance of a Passport was closed for reason of the petitioner having allegedly made a false declaration.

2. The facts leading to the said controversy originated by the petitioner making an application for issuance of a Passport before the Passport Issuing Authority [for brevity "PIA"]. There is considerable dispute, as to whether the Passport was in fact issued or not. The petitioner asserts that the petitioner has not been issued with the Passport. However, the statement of the Department shows that the Passport was granted.

3. In any event, admittedly the petitioner made an application and there was a police verification report, in which he is said to have been arraigned as an accused in Crime No.220 of 2006 of Udayamperoor Police Station. The petitioner contends that the proceedings were taken *mala fide* by the Police officers and, in fact, the further proceedings in pursuance of the First Information Report

[FIR] itself was stayed by this Court in W.P.(C).No.30297 of 2011. It was, hence, the petitioner had not declared the pendency of the said case, since he *bona fide* believed that the proceedings being stayed, there would be no criminal proceeding pending as of then.

4. The said controversy need not be looked into at this point of time. In any event, the petitioner could make an application by seeking permission from the Court in which the matter is pending. As of now, the proceeding in the FIR has been stayed and the jurisdictional Magistrate is not seized of the matter. A writ petition is said to be pending before this Court. It would be ideal for the petitioner to move the writ Court to obtain such permission and apply before the PIA for a fresh Passport. However, the non-declaration by the petitioner with respect to the aforesaid crime being a *bona fide* mistake; it cannot be put against him. The same would not stand against him when he makes a fresh application as directed above.

The writ petition is disposed of as above.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]