

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937**

**WP(C).No. 15234 of 2015 (D)**  
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**PETITIONER:**  
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**SUBAIR SEENTAKATH, AGED 37 YEARS  
S/O.ABU MAINARAKKARAKATH, S P HOUSE, CHUZHALI P O,  
SREEKANDAPURAM, KANNUR 670631.**

**BY ADV. SRI.MAHESH V RAMAKRISHNAN**

**RESPONDENTS:**  
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- 1. REGIONAL PASSPORT OFFICER, KOZHIKODE  
REGIONAL PASSPORT OFFICE, KOZHIKODE, ERANHIPALAM POST,  
KOZHIKODE- 673006.**
- 2. THE UNION OF INDIA,  
REPRESENTED BY ITS UNDER SECRETARY TO GOVERNMENT,  
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI 110001.**

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

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PJ**

**WP(C).No. 15234 of 2015 (D)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**P1:- TRUE COPY OF THE SEIZURE FORM DTD 11/4/2015 ISSUED FROM THE  
CALICUT AIRPORT TO THE PETITIONER.**

**P2:- TRUE COPY OF THE WRITTEN REQUEST DTD 21/4/2015 SUBMITTED BY THE  
PETITIONER TO THE IST RESPONDENT**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**K. VINOD CHANDRAN, J.**

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**W.P(C). No.15234 of 2015**  
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**Dated this the 16<sup>th</sup> day of June, 2015.**

**JUDGMENT**

The petitioner is aggrieved by the fact that the petitioner's Passport on his entry to India has been seized by the Bureau of Immigration, Calicut. The petitioner was the holder of an Indian Passport bearing No.K.6222242, reissued on 31.08.2012. The petitioner's application for reissue of his Passport dated 18.09.2004 was filed in Abu Dhabi. The 1<sup>st</sup> respondent reissued the Passport with validity from 31.08.2012 to 30.08.2022 on post-police verification basis.

2. The police verification report revealed that the petitioner was arrayed as an accused in Crime No.295/2012 of Taliparamba Police Station, which has been charge-sheeted before the Jurisdictional Magistrate's Court at Taliparamba. Hence a show-cause notice was issued dated 12.02.2013 and further notice

dated 12.06.2013, which was not responded to by the petitioner. The petitioner's Passport is said to have been impounded as per Annexure R1(b) order dated 01.05.2014. On his return to India, the Bureau of Immigration at the Calicut International Airport seized his Passport, which is said to be now under the custody of the first respondent.

2. The petitioner contends that no notice was received by him, since he was abroad and the notice was never received at his residential address in India. The statement of the respondent indicates that, the notices were issued by Speed Post and the articles have not been returned; and hence would definitely be delivered at his residential address. In any event, what is to be noticed is that the petitioner admittedly was involved in a criminal case, which is pending before the Jurisdictional Magistrate's Court and the petitioner had been released on bail, which fact was not disclosed when seeking renewal of the Passport.

3. It was incumbent upon the petitioner to have declared the pendency of such proceedings when seeking re-issuance of

the Passport and also obtain orders from the Jurisdictional Court, permitting him to apply for re-issuance of the Passport. The petitioner could either challenge the order at Annexure R1(b) in appeal as provided under the Passport Act, 1967 or apply for a fresh Passport after obtaining permission from the Jurisdictional Court, before which a prosecution is said to be pending against the petitioner. No ground exists for issuance of a writ.

The writ petition would stand dismissed, leaving open the remedies.

**K. VINOD CHANDRAN,  
JUDGE**

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