

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 20123 of 2015 (M)

PETITIONER(S):

**ALTHAF, AGED 48 YEARS
AGED 48 YEARS, S/O.SALAHUDDIN, KALLUVEETIL
PARAYIL, EDAVA P.O., EDAVA VILLAGE
VARKALA TALUK, THIRUVANANTHAPURAM.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY, FOREIGN AFFAIRS, NEW DELHI.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, THIRUVANANTHAPURAM.**
- 3. THE PORT REGISTRATION OFFICER,
TRIVANDRUM INTERNATIONAL AIRPORT, THIRUVANANTHAPUAM.**

*** ADDL. R4 TO R6 IMPLEADED**

- 4. THE DISTRICT POLICE CHIEF
THIRUVANANTHAPUAM RURAL
THIRUVANANTHAPUAM - 695001**
- 5. THE DEPUTY SUPERINTENDENT OF POLICE
SPECIAL BRANCH CID,RURAL DETACHMENT
THIRUVANANTHAPUAM - 695001**
- 6. THE CIRCLE INSPECTOR OF POLICE
VARKALA POLICE STATION
THIRUVANANTHAPUAM -695041.**

*** ADDL. R4 TO R6 IMPLEADED AS PER ORDER DATED 7.7.2015 IN I.A.9498/2015**

R1-R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT OF THE PETITIONER.

EXHIBIT P2- TRUE COPY OF THE LETTER OF THE 3RD RESPONDENT DATED 22/05/2015.

EXHIBIT P3- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED 02/06/2015 TO THE 2ND RESPONDENT.

EXHIBIT P4- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED 08/06/2015 TO THE 2ND RESPONDENT.

EXHIBIT P5- TRUE COPY OF THE VISA OF THE PETITIONER.

EXHIBIT P6- TRUE COPY OF THE COMPUTER GENERATED COPY OF THE AIR TICKET OF THE PETITIONER.

EXHIBIT P7- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED 29/06/2015 TO THE 2ND RESPONDENT.

EXHIBIT P8- TRUE COPY OF THE LETTER OF SRI.PACHUTHAN DATED 29/06/2015.

EXHIBIT P9- TRUE COPY OF THE PETITION IN O.P. NO.212/14 OF FAMILY COURT, ATTINGAL.

EXHIBIT P10- TRUE COPY OF THE PETITION IN M.C. NO.62/2014 OF JFMC, VARKALA.

EXHIBIT P11- TRUE COPY OF THE ORDER OF THE SESSIONS COURT, THIRUVANANTHAPURAM DATED 09/07/2012 IN CRL. M.C. NO.1616/2012.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

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K.VINOD CHANDRAN, J.

W.P.(C).No.20123 of 2015

Dated this the 9th day of July, 2015

JUDGMENT

The petitioner's passport was impounded by the 3rd respondent on arriving at the International Airport Thiruvananthapuram. The petitioner is a native of Varkala who had obtained passport from Chennai, when he was permanently residing there in the year 1986. The said passport is said to have been renewed in the year 1997 and 2007.

2. The petitioner on arriving at the International Airport at Thiruvananthapuram, his passport was impounded on the ground that the petitioner had given contrary statements as to his address and date of birth. So much is evident from Annexure R2(a) produced by the official respondent. Annexure R2(a) is the communication of the Assistant Foreigners Regional Registration Officer, Bureau of Immigration, Trivandrum International Airport to the Passport Officer Trivandrum.

3. However, later the same acquired another

ramification for reason of a complaint having been received from the Deputy Superintendent of Police, Special Branch CID Rural detachment Thiruvananthapuram, produced at Annexure R2(b). The said communication referred to an anonymous complaint of the petitioner holding two passports. The Passport Officer had enquired about it and requested by Annexure R2(c), any information as to whether any crime was registered on that count; failing which the Passport Officer will have to return the passport to the petitioner. It was also noticed in Annexure R2(c) that the Visa expires shortly and the petitioner would be prejudiced in so far as the passport being impounded without any reason. A further communication at Annexure R2(d) of the District Police Chief, Thiruvananthapuram Rural, again to the Passport Officer raised the same allegations but without any instance pointed out as to a crime having been registered or even a pending investigation. A complaint from the wife of the petitioner, as Annexure R2(e), is also seen received by the Passport Officer.

4. The learned Government Pleader on instructions from the additional respondents submit that, to the knowledge of the additional respondents there is no crime registered against the petitioner in their jurisdiction. The learned Government Pleader also would produced a further communication from the Passport Officer Thiruvananthapuram dated 03.07.2015 in which it has been categorically stated that, no details could be traced from the system of the Official respondents as to the petitioner having two passports. Therein also the complaint at Annexure R2(e) is recorded.

5. In such circumstances, it is to be found that, the impounding of the passport was not on any valid ground. There is no reason to interdict the petitioner from travelling abroad. The initial impounding was only on an apprehension on the basis of the contradictory stance of the petitioner on interrogation. No enquiry seems to have been conducted to ferret out any reasonable material to proceed with the impounding of the passport. The allegation raised of the petitioner holding two passports

also, cannot be sustained, since the 'system' of the Official respondent does not reveal the petitioner having two passports. As to the complaint of the wife, though it refers to a proceeding under Section 498(A), as such no proceeding have been initiated by any competent Court to impound the passport of the petitioner.

6. In such circumstances, it is only proper that the petitioner be returned the passport forthwith, on the petitioner producing the certified copy of this judgment.

The writ petition is allowed.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD