

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 20853 of 2015 (F)

PETITIONER :

**HARIS KALARYKANDY,
S/O.ABOOTTY.T.P., AGED 33 YEARS,
PUTHIYA PURAYIL HOUSE, P.O.MANGATTIDAM,
THALASSERY TALUK, P.O.MANGATTIDAM,
KANNUR DISTRICT, REPRESENTED BY SHAMSEER.K.K.,
S/O.ABOOTTY.**

**BY ADVS. SRI.C.P.PEETHAMBARAN
SMT.V.A.MINI**

RESPONDENT(S):

- 1. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, KOZHIKODE,
ERANHIPALAM.P.O., KOZHIKODE DISTRICT-673 006.**
- 2. THE STATION HOUSE OFFICER,
KADIRUR POLICE STATION, KANNUR DISTRICT-670 701**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.20853/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE POWER OF ATTORNEY ALONG WITH RELEVANT PAGES OF PASSPORT OF THE PETITIONER.**
- P2 COPY OF THE ORDER DATED 17/6/2015 OF THE 1ST RESPONDENT**

RESPONDENT'S EXHIBITS & ANNEXURES:

- ANNEX R1(A) COPY OF THE LETTER DATED 10/03/2015 ISSUED BY REGIONAL PASSPORT OFFICE KOZHIKODE**
- ANNEX R1(B) COPY OF THE LETTER DATED 17/06/2015 ISSUED BY REGIONAL PASSPORT OFFICE, KOZHIKODE**

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

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W.P.(C) No.20853 of 2015 - F

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Dated this the 20th day of July, 2015

J U D G M E N T

The petitioner is aggrieved by the fact that the petitioner's passport was impounded by Ext.P2 order without notice to the petitioner. The official respondent has filed a statement, in which it has been specifically stated that there was a notice issued on 10.03.2015 to the petitioner's address in India and that the petitioner having not responded to the same, orders were passed, impounding the passport. The petitioner would contend that there is nothing produced in the statement to show that the notice in fact was served.

2. In this context, it is to be noticed that the official respondent could only issue a notice in the permanent address of the petitioner shown in the passport, within India, and there is no obligation to inform the petitioner in his address abroad,

especially since that address would not have been within the knowledge of the respondent. Further the only manner in which there could be evidence produced by the official respondent, is by sending a communication by registered post with acknowledgment due. Definitely if the petitioner is not within India, the said application would be returned noticing that the petitioner has left India. In such circumstance, the only possibility of intimating the petitioner about the action to impound the passport is by ordinary post in the permanent address in India, shown in the passport.

3. In such circumstance, this Court is not inclined to accept the contention of the petitioner that no notice was served on him. In fact it is also to be noticed that the notice for impounding and the order of impounding were both served in the very same address, which is the address shown in the writ petition also. Hence, definitely the petitioner's permanent address is that in which the notice was issued and the petitioner

cannot take a contention that he was not aware of such proceedings for impounding of the passport.

4. The statement of the official respondents indicate that the impounding was done since the petitioner at the time of renewal of the passport had not intimated the petitioner's involvement in a crime. After the renewal the official respondents received an adverse police report showing the petitioner's involvement in Crime No.1240/2013 of Kuthuparamba Police Station, which is pending before the jurisdictional Magistrate as C.C. No.615/2013. The petitioner's contention is that even before the renewal, the petitioner had sought for permission of the Criminal Court to go abroad but, there was no specific permission granted to apply for renewal of a passport.

5. In any event, if such permission had been granted, it is only proper that the petitioner produce the permission granted by the Criminal Court, even before the renewal

W.P.(C) No.20853 of 2015 - F

application, before the respondent authorities and also make an application in Tatkal, upon which the petitioner shall be issued with a fresh passport since, the petitioner seeks to go back on 26.07.2015.

With the above observations, the writ petition would stand closed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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// true copy //

P.A to Judge.