

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

**PRESENT:**

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

**TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937**

**WP(C).No. 21815 of 2015 (B)**  
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**PETITIONER:**  
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**ABDUL HUDA, AGED 24 YEARS,  
S/O.SALIM, THARAYIL, CHUNNAKKARA SOUTH,  
CHARUMOODU, ALAPPUZHA.**

**BY ADVS.SRI.R.SUNIL KUMAR  
SMT.A.SALINI LAL**

**RESPONDENTS:**  
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- 1. UNION OF INDIA,  
REP. BY ITS SECRETARY,  
MINISTRY OF EXTERNAL AFFAIRS.  
KASTURBA GANDHI MARG, NEW DELHI - 110011.**
- 2. THE REGIONAL PASSPORT OFFICER,  
REGIONAL PASSPORT OFFICE,  
PANAMPILLY NAGAR P.O, COCHIN - 682036.**

**\*ADDL. R3 IMPEADED**

- 3. SUB INSPECTOR OF POLICE,  
POLICE STATION, NOORNADU, ALAPPUZHA.**

**ADDL. R3 IS IMPEADED AS PER ORDER  
DATED 11.08.2015 IN IA.10638/2015.**

**R1 & R2 BY SRI.N.NAGARESH, A S G  
ADDL. R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**mbr/**

**WP(C).No. 21815 of 2015 (B)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**EXT.P1:- COPY OF THE FIR IN CRIME NO 646/2010 OF THE NOORANADU POLICE STATION.**

**EXT.P2:- COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT.**

**RESPONDENTS' EXHIBITS: NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

K. Vinod Chandran, J

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W.P.(C).No.21815 of 2015-B  
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Dated this the 11<sup>th</sup> day of August, 2015

**JUDGMENT**

The petitioner is aggrieved with the fact that the petitioner's Passport has not been issued despite an application having been filed. The petitioner contends that there is only a First Information Report registered as Exhibit P1 and, therefore, the petitioner had not disclosed the details of the same in the application filed.

2. The learned Assistant Solicitor General of India has filed a statement, in which it is indicated that when the application was filed, the same was sent for police verification. On police verification, it was informed that the applicant could not be identified and that there was a criminal case pending as Crime No.535/2012 of Nooranad Police Station, which is taken cognizance of by the Judicial First Class Magistrate-II, Mavelikkara as C.C.No.74/2013. In such circumstance, the petitioner was issued with a show cause notice, seeking his explanation as to the suppression of material facts in the Passport

application and also informed that such suppression also attracts a penalty of Rs.5,000/- [Rupees five thousand only] under Section 12 (b) of the Indian Passport Act, 1967.

3. In the above circumstances, for issuance of the Passport the petitioner has to submit his explanation to the show cause notice and pay the penalty, if the same is imposed by the Passport Issuing Authority. The petitioner has to obtain orders from the Magistrate Court, if has to be issued with a Passport by the authorities. Leaving such remedies, the writ petition would stand dismissed.

**Sd/-**

K.Vinod Chandran  
Judge.

vku/-

[ true copy ]