

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 31081 of 2015 (I)

PETITIONER(S):

**T.K.ABDUL RAHSEED, AGED 43 YEARS,
S/O.KUNJU MOHAMMED, THOTTATHUPARAMBIL, SATHRAM STREET,
PUDUNAGARAM P.O., PALAKKAD.**

BY ADV. SRI.SABU GEORGE

RESPONDENT(S):

- 1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINISTRY OF EXTERNAL AFFAIRS,
PATIALA HOUSE, NEW DELHI-110 001.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- * 3. THE PASSPORT OFFICER,
PASSPORT SEVA KENDRA, SECOND FLOOR, ROWDHA TOWERS
POOTHOLE ROAD, THRISSUR-680 004. (CORRECTED)**
- * [THE ADDRESS OF 3RD RESPONDENT IS
CORRECTED AS 'THE PASSPORT OFFICER,,
REGIONAL PASSPORT OFFICER, PANAMPALLI NAGAR,
ERNAKULAM - 682 036.' AS PER ORDER
DATED 26.10.2015 IN IA 15280/15.]**

**R1 & R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 31081 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF THE SELECTION LETTER DT 10-8-2015.

P2 : TRUE COPY OF THE ACKNOWLEDGEMENT LETTER DT 11-9-2015.

RESPONDENT(S)' EXHIBITS:

**EXT.R1(a): TRUE COPY OF NOTIFICATION NO.GSR 570(E) DTD.25.8.1993 ISSUED BY
THE MINISTRY OF EXTERNAL AFFAIRS.**

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.31081 of 2015

Dated this the 9th day of November, 2015

JUDGMENT

The petitioner has approached this Court seeking a relief directing the respondents to reissue the Passport notwithstanding the pendency of a criminal case against him.

2. In this matter, a statement has been filed on behalf of respondents 1 and 3. Paragraph-6 of the statement reads as follows:

It is submitted that the petitioner has to comply with the following formalities for consideration of the application.

- a) The petitioner **has to explain** his omission in not mentioning the pending case while applying for reissue of passport.
- b) **Penal fee as applicable vide Rules has to be remitted.**
- c) His application shall be processed according to the provisions laid down in the Notification No.GSR 570 (E) dated 25.8.1993 issued by the Ministry of External Affairs, a true copy of which is produced herewith marked as Annexure R1(a).

This Court is of the view that the petitioner can only obtain the Passport in the light of the above statement. Therefore, if the petitioner produces the order from the Judicial First Class Magistrate Court, Chittur in C.C.No.917/2012, permitting him to go abroad, the Passport Authority shall consider the application based on the above order. The learned Magistrate is also directed to consider the petitioner's application in the light of the Notification No.GSR 570(E) dated 25.08.1993 issued by the Ministry of External Affairs. The petitioner shall produce the above Notification before the Judicial First Class Magistrate Court, Chittur. If the petitioner moves the Magistrate Court, that shall be considered within one week of moving of such application.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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