

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 37214 of 2015 (B)

PETITIONER(S):

**AYOOB, AGED 38 YEARS,
S/O.MOIDEENKUTTY, NALAKATH HOUSE, T.C.ROAD,
TIRURANGADI, MALAPPURAM DISTRICT - 676 306.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

**THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
MALAPPURAM - 676 519.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 37214 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING NO.L5484167

P2- TRUE COPY OF THE NOTICE DATED 22.1.2014 ISSUED BY THE RESPONDENT

**P3- TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE
RESPONDENT**

P4- TRUE COPY OF THE NOTICE DATED 10.9.2015 ISSUED BY THE RESPONDENT

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.MUHAMED MUSTAQUE, J.

=====

W.P(C)No.37214 of 2015

=====

Dated this the 18th day of December, 2015

JUDGMENT

Petitioner is a holder of passport. He has been issued with notice to surrender the passport as it come to notice of the passport authorities that the petitioner is involved in a criminal case and he has obtained the passport suppressing material facts.

2. Petitioner submits that the criminal case is registered in connection with matrimonial disputes and he almost settled the disputes with the complainant. Petitioner however did not dispute that crime is still pending.

3. Petitioner has an immediate requirement of passport to go abroad for Umra pilgrimage. In the counter, it is stated in paragraph 5 as follows:

“5. The petitioner has to surrender the passport at the office of the respondent. The passport can be released on production of acquittal order from the court where criminal case is pending against the petitioner. Or else, if the court permits the petitioner to travel abroad to perform Umra pilgrimage a short validity passport can be issued to the petitioner as per Notification No.GSR.570(E) dated 25.8.1993 issued by the Ministry of External Affairs.”

5. This Court is of the view, petitioner has to surrender his present passport before the passport authorities since it was issued without noting the factum of criminal case. However, if the petitioner wants the regular passport, he has to obtain either order of acquittal from the court where the criminal case is pending or a permission to go abroad.

6. However, to perform Umra, this Court is of the view, the petitioner shall be issued with short term passport having validity of six months in terms of the Notification referred in paragraph 5 quoted above.

The writ petition is disposed as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

vdv/19/12/15