

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13409 of 2018

ORDER:

The case of the petitioner is that the 3rd respondent is the husband of the petitioner holding passport No.Z3367314 and the petitioner made representation on 14-03-2018 to the 2nd respondent for revoking the passport, who is absconding from India over three years which is delaying on going criminal and other cases against the 3rd respondent and NBWs were issued against him and he is also not paying maintenance granted by the IX Additional Metropolitan Sessions Judge. Aggrieved by the inaction of the 2nd respondent on the application of the petitioner, the present writ petition is filed.

Counter affidavit is filed by the 1st and 2nd respondent stating that since the passport of the 3rd respondent was renewed in High Commission, Singapore, the complaint of the petitioner was forwarded to High Commission as the record pertaining to issuance of passport would be available with the Passport Issuing Authority and for issuance of show-cause notice for initiating necessary action against the applicant. It is also stated that High Commission of India, Singapore has approached Emerio Globe Soft Pte.Ltd., the employer of the 3rd respondent by e-mail on 26-04-2018 and the employer intimated the High Commission of India Singapore that the 3rd respondent was their employee and his last working day was 31-03-2016. The High Commission of India has intimated the same information to the 2nd respondent by e-mail dated 27-04-2018. It is also stated that for initiating necessary action, a show-cause notice should be given to the individual prior to denial of passport facilities. It is also stated that the Missions

abroad are also Passport Issuing Authorities and they are also governed by the provisions of the Passport Act.

The 3rd respondent filed counter denying the allegations made by the petitioner and further stated that the petitioner has approached the Indian High Commission in Singapore and when the matter was closed, she did not pursue further. The petitioner was unable to get any relief from the Indian High Commission in Singapore and again approached the 2nd respondent. It is admitted that warrants are issued against the 3rd respondent for non-appearance in three cases i.e. C.C.No.1219 of 2014, C.C.No.229 of 2015 and M.C.No.323 of 2014. Since the 3rd respondent has threat from the petitioner and her father, he is unable to come to India. The 3rd respondent attended counseling before the Family Court in OP.No.696 of 2013 filed for divorce by the petitioner and only to harass him, the petitioner and her father lodged complaint in FIR.No.749 of 2014, which is registered as C.C.No.1219 of 2014, where charge-sheet was also filed. It is stated that DVC No.101 of 2013 filed by the petitioner was dismissed for default on 28-02-2018. It is also stated that the 3rd respondent has permanent address in Singapore at BLK 774, No.16-113, Bedok Reservoir View, Singapore 470774. Hence, the allegation that the 3rd respondent has not furnished his address and he is trying to take the law into his hands is false. It is also stated that the 3rd respondent is taking necessary steps to appear before the concerned Court to get the warrants recalled.

Reply affidavit is filed reiterating the averments of the writ affidavit.

In this case, it is to be seen that initially passport was issued by the 2nd respondent, but its renewal is made at Singapore. The 3rd

respondent, in the counter affidavit, has also given his permanent address at Singapore. The difficulty expressed by the 2nd respondent is that there is no address of the 3rd respondent to communicate him is incorrect. Since initially the passport was issued in the 2nd respondent office and address of the 3rd respondent has been given in the counter affidavit, the 2nd respondent being the passport issuing authority should take all the steps on the representation of the petitioner instead of issuing impugned letter directing the petitioner to approach the High Commission, Singapore and he can also call for the necessary record from the High Commission, Singapore, if necessary. There is no prohibition with regard to the same.

In view of the same, the 2nd respondent is directed to consider the representation of the petitioner, dated 14-03-2018 in accordance with law and take action within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

17-07-2018
Nvl



