

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4250 of 2019

DATED:18-03-2019

Between :

Smt.Susmitha Nithyanand Perumkulangara W/o.Rajarshi
Madishetty, aged about 28 years, occ: Software
Engineer, present address: Flat No.301, Durga Residency,
Opp: Baptist Church of India, Near Gouri Nagar Masjid,
Old Bowenpally, Secunderabad-50011.

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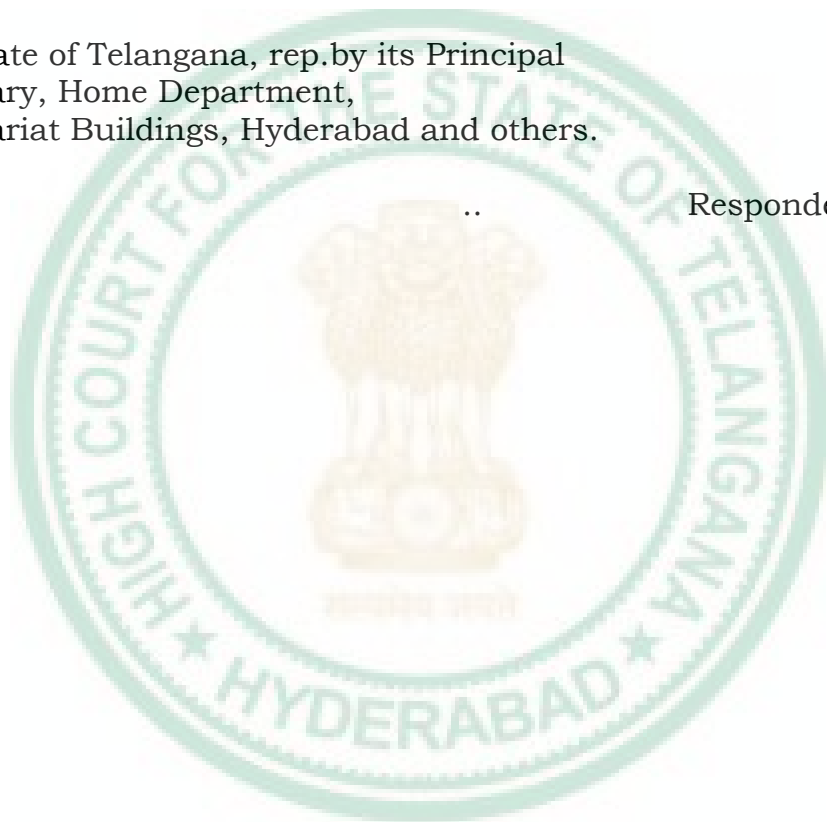
Petitioner

And

The State of Telangana, rep.by its Principal
Secretary, Home Department,
Secretariat Buildings, Hyderabad and others.

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Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WP.No.4250 of 2019

ORDER :

Petitioner is wife of respondent No.6 and respondent No.7 is sister of respondent No.6. Matrimonial disharmony developed between petitioner and her husband leading to lodging of a complaint with the Station House Officer, Begumpet Women Police Station, Hyderabad. Based on the complaint lodged by petitioner, Crime No.29 of 2019 was registered on 03-02-2019. On 21-02-2019 petitioner lodged a complaint with the Regional Passport Officer, Secunderabad alleging that crime was registered against respondent Nos 6 and 7 and that their passport should be impounded or else they would be fleeing the Country, which would cause prejudice to her. Alleging inaction on the complaint filed by petitioner, this writ petition is filed.

02. It appears on 13-03-2019 show-cause notice is issued by Regional Passport Officer calling upon respondent Nos 6 and 7 to explain as to why their passports should not be impounded. This notice is issued under Section 10 (3) (e) of the Passports Act, 1967 and respondent No.7 received the same on 15-03-2019 and offers to file explanation. It appears respondent No.6 has not received the notice. However, learned counsel representing respondent Nos 6 and 7 submits that none of the instances mentioned in Section 10(3) are attracted to issue notice to respondent Nos 6 and 7, therefore, the very notice is not valid in law. He also submits that it is not mandatory to impound the passport merely because any of

the instances mentioned in Section 10(3) are attracted, but it is purely discretion of the passport authority. The petitioner cannot compel the passport authority to impound the passport, even though the instances mentioned therein are not attracted. This Court is not expressing any opinion on this submission. It is left open to respondent Nos 6 and 7 to file their explanation pointing out objections available to them.

03. Since notice is already issued by the passport authority, learned counsel for the petitioner is satisfied with the steps taken by the passport authority.

04. In regard to the submission made by learned counsel for respondent Nos 6 and 7, it is needless to observe that passport authority shall consider the objections that may be filed by respondent Nos 6 and 7 before passing appropriate orders.

05. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

P.NAVEEN RAO,J

18-03-2019
Nvl