

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

TUESDAY, THE 12TH DAY OF AUGUST 2025 / 21ST SRAVANA, 1947

WA NO. 1765 OF 2025

AGAINST THE JUDGMENT DATED 26.03.2025 IN WP(C)

NO.2723 OF 2025 OF HIGH COURT OF KERALA

APPELLANT(S)/RESPONDENTS 1 TO 3 IN THE WRIT PETITION:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY, MINISTRY OF EXTERNAL
AFFAIRS, JAWAHAR LAL NEHRU BHAVAN, OPPOSITE
NATIONAL MUSEUM, RAJPATH, NEW DELHI, PIN - 110001
- 2 THE JOINT SECRETARY (PSP) & CHIEF PASSPORT
OFFICER
MINISTRY OF EXTERNAL AFFAIRS, PSP DIVISION,
PATIALA HOUSE, ANNEXE, TILAK MARG, NEW DELHI, PIN
- 110001
- 3 THE PASSPORT OFFICER
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR,
KOCHI, ERNAKULAM, PIN - 682036

BY ADV SHRI.T.C.KRISHNA, SENIOR PANEL COUNSEL

RESPONDENT(S)/PETITIONER & RESPONDENTS 4 TO 7 IN THE WRIT
PETITION:

- 1 MUHAMMED RAFSAL
AGED 31 YEARS
S/O. EBRAHIM KOKKARANIKKAL HASSAN, KOKKARANIKKAL
HOUSE, WEST VENGOLA P.O., PERUMBAVOOR, ERNAKULAM
DISTRICT, PIN - 683556
- 2 THE CENTRAL BUREAU OF INVESTIGATION
REPRESENTED BY THE DIRECTOR, 5-B, CGO COMPLEX,



LODHI ROAD, NEW DELHI, PIN - 110003

- 3 ASSISTANT DIRECTOR (NCB)
CENTRAL BUREAU OF INVESTIGATION CGO COMPLEX, LODHI
ROAD, NEW DELHI, PIN - 110003
- 4 THE STATE POLICE CHIEF KERALA
STATE POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695010
- 5 INSPECTOR GENERAL OF POLICE (CRIMES), SOUTH ZONE
CBCID HQ, INTERPOL LIAISON OFFICER, STATE POLICE
HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM,
PIN - 695010

BY ADVS.
SRI.SHAHID AZEEZ
SHRI.IJAS MUHAMMED

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
12.08.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



AMIT RAWAL & P.V. BALAKRISHNAN, JJ.

.....
W.A.No.1765 of 2025

.....
Dated this the 12th day of August, 2025

JUDGMENT

P.V. Balakrishnan, J.

This *intra-court* appeal is filed by respondents 1 to 3 in W.P. (C)No.2723 of 2025, aggrieved by the judgment dated 26.03.2025, allowing the writ petition.

2. The writ petition has been filed by the 1st respondent herein, seeking the following reliefs;

- "i. Issue a writ of certiorari calling for records leading to Exhibits P10 and P15 orders and to quash the same;
- ii. Issue writ of Mandamus directing 2nd and 3rd respondents to renew the petitioner's passport;
- iii. Declare that the inaction of the 2nd and 3rd respondents in rejecting the petitioner's request to renew his passport is unconstitutional, arbitrary, illegal and in violation of their statutory duties."

3. Ext.P10 is an order passed by the 3rd appellant, and Ext.P15 is an order passed by the 2nd appellant, in an appeal filed against Ext.P10 order. By Exts. P10 and P15 orders, the appellants rejected the request of the 1st respondent seeking renewal/re-issue of his passport on the ground that a Red Corner



Notice, issued by the Interpol on the basis of certain proceedings initiated in Qatar is in existence and that the 1st respondent has not obtained permission to travel abroad from the Magistrate Court of Chalakudy and North Paravur, where criminal cases are pending against him.

4. The learned Single Judge, by judgment dated 26.03.2025, negated the contentions taken by the appellants and allowed the writ petition and directed the appellants to process the application filed by the 1st respondent for re-issuance of his passport.

5. Heard Sri. T.C. Krishna, the learned Senior Panel Counsel for the appellants and Sri. Shahid Aziz, the learned counsel appearing for the 1st respondent.

6. The learned counsel for the appellants contended that, going by Section 6(2)(f) of the Passports Act, 1967, and GSR dated 25.08.1993 bearing No. 570(E), issued by the Government of India, a passport can be renewed or re-issued only in cases where the court in which proceedings in respect of the offences committed by the applicant is pending, permits him to depart from India. According to him, in the instant case, as per Exts.P1 and P2, even though the Magistrate Courts have



granted permission to renew the passport, they have not permitted the 1st respondent to depart from India and if so, renewal cannot be granted.

7. Per contra, the learned counsel for the 1st respondent supported the impugned judgment and contended that there are no grounds to interfere with the same. He argued that as per Exts.P1 and P2, even though the Magistrate Courts have granted permission for renewal of the passport for specified periods, they have interdicted the 1st respondent from travelling abroad, without getting permission of these courts. He further submitted that, it is only after getting the renewed passport, the 1st respondent can approach the court and seek permission to go abroad, by giving the details of his passport, visa, travel itinerary, etc.

8. The only question to be considered in this writ appeal is whether the renewal/re-issue of the passport to the 1st respondent has to be denied only because of the fact that, in Exts.P1 and P2 orders, the learned Magistrates have not specifically granted permission to him to travel abroad. It is to be seen that GSR 570(E) dated 25.08.1993, issued by the Government of India, in exercise of the powers under Section 22



of the Passports Act, 1967, is an exemption to Section 6(2)(f) of the Passports Act. It permits the citizens of India against whom proceedings in criminal courts are pending to obtain/renew passports if they produce orders from the court concerned, permitting them to depart from India. The order also says that, the court can specify the period for which the passport has to be issued, and if no time is fixed, it shall be issued for a period of one year.

9. In the instant case, it is to be seen that the 1st respondent herein has obtained favourable orders in the form of Exts. P1 and P2 from the Magistrate Courts for renewal of his passport. It is true that in those orders, the learned Magistrate has not granted permission to the 1st respondent to depart from India. But on the other hand, what has been stated in these orders is that, after getting the passport, the 1st respondent has to seek permission from these courts before going abroad. If so, we are of the view that merely because there is no specific order in Exts. P1 and P2 permitting the 1st respondent to leave abroad, the renewal of the passport of the 1st respondent need not be denied. This is because, we find that the purpose and intent for which GSR 570(E) dated 25.08.1993, has been issued is well



served and protected by Exts. P1 and P2 orders.

The result of the afore discussions is that there is no error or illegality in the impugned judgment passed by the learned Single Judge. Ergo, we find no merit in this writ appeal and the same is accordingly dismissed.

Sd/-

AMIT RAWAL, JUDGE

Sd/-

P.V. BALAKRISHNAN, JUDGE

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