

Suresh Kumar Vs. Union of India and ors

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Court : Delhi

Decided On : Aug-25-2011

Judge : Rajiv Sahai Endlaw, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : W.P.(C) 6172/2011

Appellant : Suresh Kumar

Respondent : Union of India and ors

Advocate for Pet/Ap. : Mr. K.N. Bhargavan, Adv.

Judgement :

1. The petitioner, a holder of passport issued by Regional Passport Office, Trivandrum, Kerala contends, he was denied visa to UAE for the reason of another person having a passport with the same number as on the passport of the petitioner; that upon representing to the Regional Passport Office, Trivandrum which had issued the said passport and of which place the petitioner is also a resident, he was vide letter dated 4 th November, 2009 of the Regional Passport Officer, Trivandrum informed that the passport with the number, as on the passport of the petitioner, had been issued to the petitioner only and it may be a case of repetition of passport booklet serial number and gave an option to the petitioner to apply for additional booklet after remitting the prescribed fee.

2. The petitioner is aggrieved from the aforesaid direction of the Regional Passport Office, Trivandrum and contends that he cannot be required to pay fee for the mistake of the Regional Passport Office, Trivandrum.

3. Upon enquiry as to how this Court would have territorial jurisdiction to entertain the petition, the counsel states that since the petitioner had represented to the Chief Passport Officer at Delhi also, the writ petition is maintainable before this Court. However, admittedly, the letter stated to have been written to the Chief Passport Officer, Delhi was not under any rule or law and merely by way of representation.

4. The Full Bench of this Court in judgment dated 1 st August, 2011 in W.P.(C) No.6570/2010 titled Sterling Agro Industries Ltd. v. UOI has held that even though the High Court may have jurisdiction to entertain writ petition under Article 226 of the [Constitution of India](#), it can always refuse to exercise jurisdiction if some other High Court is found to be better equipped and providing a convenient forum to deal with the matter.

5. In the present case, the controversy is concerning the Regional Passport Office, Trivandrum and is left to be best dealt with by the High Court of Kerala especially when the petitioner also is a resident of Kerala.

6. The petition is therefore dismissed with liberty to the petitioner to approach the High Court of Kerala.

No order as to costs.

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