

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 3<sup>RD</sup> DAY OF AUGUST 2021 / 12TH SRAVANA, 1943

WP(C) NO. 12306 OF 2021

PETITIONER/S:

- 1 T N PRATHAPAN,  
MEMBER OF PARLIAMENT (LS) ,  
AGED 61 YEARS, S/O.LATE NARAYANAN,  
THOTTUNGAL HOUSE, POST TALIKULAM,  
THRISSUR DISTRICT 680 569
- 2 SHRI. HIBI EDEN  
MEMBER OF PARLIAMENT (LS) , AGED 37 YEARS,  
S/O.LATE GEORGE EDEN, AMBATTU HOUSE,  
NO.35/1319D, GEORGE EDEN ROAD, DESHABHIMANI,  
ERNAKULAM 682 017, KERALA

BY ADVS.  
S.SREEKUMAR (SR.)  
P.MARTIN JOSE  
THOMAS P.KURUVILLA  
C.R.REKHESH SHARMA  
R.GITHESH  
AJAY BEN JOSE  
MANJUNATH MENON  
SACHIN JACOB AMBAT  
HARIKRISHNAN S.

RESPONDENT/S:

- 1 UNION OF INDIA,  
REP.BY THE JOINT SECRETARY (U.T.) ,  
MINISTRY OF HOME AFFAIRS,  
NORTH BLOCK, NEW DELHI 110 001.

- 2 THE UNION TERRITORY OF LAKSHADWEEP,  
REPRESENTED BY ITS ADMINISTRATOR, KAVARATTI,  
U.T.OF LAKSHADWEEP 682 555
- 3 THE DIRECTOR OF GENERAL ADMINISTRATION &  
PROTOCOL  
KAVARATTI, U.T.OF LAKSHADWEEP 682 555
- 4 THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE,  
U.T.OF LAKSHADWEEP, KAVARATTI,  
U.T.OF LAKSHADWEEP - 682 555
- 5 THE ADDITIONAL DISTRICT MAGISTRATE,  
U.T.OF LAKSHADWEEP, KAVARATTI, U.T.OF  
LAKSHADWEEP 682 555

BY SRI.P.VIJAYAKUMAR, ASG OF INDIA  
BY SRI.S.MANU, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 03.08.2021, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**W.P.(C)No.12306 of 2021**

-----

**J U D G M E N T**

Exts.P3 and P4 are the applications preferred by the petitioners for grant of entry permit to Lakshadweep Islands in terms of Rule 5 of the Laccadive Minicoy & Amindivi Islands (Restrictions on Entry and Residence) Rules, 1967 (the Rules). The applications aforesaid now stand rejected in terms of Ext.P19 order. Ext.P19 is under challenge in the writ petition.

2. Heard the learned Senior Counsel for the petitioners as also the learned Standing Counsel for respondents 2 to 5.

3. Ext.P19 order is challenged by the petitioners mainly on the ground that the same was issued without notice to them. The fact that Ext.P19 order has been passed without granting to the petitioners an opportunity to represent their case is not denied by the learned Standing Counsel.

4. It is seen that in terms of Rule 7 of the Rules, an application preferred under Rule 5 of the Rules cannot be rejected without giving to the applicant a reasonable opportunity to represent his/her case.

In the said circumstances, the writ petition is disposed of directing the petitioners to treat Ext.P19 as a notice, and directing the fifth respondent to take a fresh decision on Exts.P3 and P4 applications after affording the petitioners an opportunity to represent their case. This shall be done within one month from the date of receipt of a copy of this judgment. The opportunity directed to be given in terms of this judgment can be through video conferencing as well.

Sd/-

**P.B.SURESH KUMAR, JUDGE**

rkj

APPENDIX OF WP(C) 12306/2021

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF LACCADIVE MINICOY AND AMINDIVI ISLANDS (RESTRICTIONS ON ENTRY AND RESIDENCE) RULES, 1967
Exhibit P2	TRUE COPY OF ORDER NO.F.NO.31/1/2014-GNL(1)/2275 DATED 19.6.2014
Exhibit P3	TRUE COPY OF APPLICATION FOR ENTRY PERMIT TO LAKSHADWEEP SUBMITTED BY THE 1ST PETITIONER
Exhibit P4	TRUE COPY OF APPLICATION FOR ENTRY PERMIT TO LAKSHADWEEP SUBMITTED BY THE 2ND PETITIONER
Exhibit P5	TRUE COPY OF LETTER DATED 7.6.2021 ISSUED BY THE LAKSHADWEEP TERRITORIAL CONGRESS COMMITTEE ADDRESSED TO THE 2ND RESPONDENT, SPONSORING THE VISIT OF THE PETITIONERS TO LAKSHADWEEP ISLANDS
Exhibit P6	TRUE COPY OF EMAIL DATED 8.6.2021 OF THE 5TH RESPONDENT.
Exhibit P7	TRUE COPY OF LETTER DATED 9.6.2021 ISSUED BY PETITIONERS ADDRESSED TO THE 5TH RESPONDENT.
Exhibit P8	TRUE COPY OF PETITIONERS EMAIL DATED 10.6.2021, SUBMITTED BEFORE THE 5TH RESPONDENT ALONG WITH APPLICATION IN FORM 1
Exhibit P9	TRUE COPY OF EMAIL DATED 11.6.2021 OF RESPONDENT NO.5
Exhibit P10	TRUE COPY OF SOP DATED 12.5.2021
Exhibit P11	TRUE COPY OF ITINERARY OF THE ADMINISTRATOR FOR THE UNION TERRITORY OF LAKSHADWEEP DATED 12.6.2021

Exhibit P12	TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONERS THROUGH E-MAIL DATED 14.6.2021 TO THE ADMINISTRATOR
Exhibit P13	TRUE COPY OF EMAIL DATED 27.6.2021 OF 5TH RESPONDENT
Exhibit P14	TRUE COPY OF RECEIPT DATED 29.6.2021 ISSUED TO THE 1ST PETITIONER
Exhibit P15	TRUE COPY OF RECEIPT DATED 29.6.2021 ISSUED TO THE 2ND PETITIONER
Exhibit P16	TRUE COPY OF SPONSORING LETTER AND UNDERTAKING DATED 01.7.2021
Exhibit P17	TRUE COPY OF EMAIL DATED 01.7.2021 SENT BY THE PETITIONERS TO THE 5TH RESPONDENT
Exhibit P18	TRUE COPY OF EMAIL DATED 02.7.2021 SEND BY THE PETITIONERS TO THE ADMINISTRATOR, UNION TERRITORY OF LAKSHADWEEP
Exhibit P19	TRUE COPY OF ORDER NO.A/16/22/2021-COL DATED 03.7.2021 ISSUED BY 5TH RESPONDENT