

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 1944 of 2015 (P)

PETITIONER(S) :

**SMT.NEHMATH, AGED 46 YEARS,
D/O.KUNJU MOHAMMED, PERMANENTLY
RESIDING AT H.NO.7/1157, PLAVUNKAL PARAMBU,
CHAKKAMADAM, MATTANCHERY, KOCHI-2.**

**BY ADVS.SRI.R.O.MUHAMED SHEMEEM
SMT.NASEEHA BEEGUM P.S.
SRI.T.PABDUL HAMEED
RUKSANA K.ZUBAIR**

RESPONDENT(S):

**1. THE REGIONAL PASSPORT OFFICER,
THE REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR (P.O),
ERNAKULAM DISTRICT-682 036.**

**2. UNION OF INDIA,
REPRESENTED BY SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110 011.**

*** 3. ABDUL SALAM @ SHAJI,
S/O. ABDUL KHADER, ALUNGAL HOUSE, FELIX ROAD,
THAMMANAM, POONITHURA VILLAGE, KOCHI-32.(DELETED)**

*** R3 IS DELETED FROM THE PARTY AS PER ORDER DATED 08.04.2015 IN
I.A.NO.4788 OF 2015.**

R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 1944 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF TALAQ-NAMA DATED.28.07.2007, PRONOUNCED BY
THE 3RD RESPONDENT.**
- P2 : TRUE COPY OF THE ORDER DATED.08.01.2010 IN CRL.MP NO.815 OF 2008
OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KOCHI.**
- P3 : THE APPLICATION NO.(ARN) 14-1010051195 SUBMITTED BY
THE PETITIONER TO THE 1ST RESPONDENT FOR PASSPORT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON J.

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Dated, this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondent to consider the marital status of petitioner in Exhibit P3 application, based on Exhibit P1 talaq and P2 order in connection with marital status for issuance of passport to petitioner.

(ii) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to follow the dictum of the Hon'ble High Court in Shemi P Ali Vs. State of Kerala reported in 2009 (3) KLT 167 and Abdul Khader Nissar reported in 2009 (3) KLT 180 in the matters connected therewith without fail in any manner what so ever.

(iii) To pass such other order or orders deemed just and proper by this Hon'ble Court.

2. A statement has been filed from the part of the respondents explaining the factual position.

3. Heard the learned counsel for the petitioner as well as the learned Central Government Counsel appearing for the respondents.

4. During the course of hearing, the learned Central Government counsel submits that the petitioner can approach the first respondent for redressal of the grievance, as stated in paragraph 7 of the statement, upon which the same will be considered. Paragraph 7 reads as follows :

"It is submitted that the petitioner may be directed to approach the 1st respondent with appropriate documents in support of her date of birth and address proof to apply for a passport. At the same time, this itself will not bestow any to her to apply for a passport of her children if she wishes to do so. In the latter case, provisions are mentioned in para 6 above applies.

5. After hearing both the sides, the writ petition is disposed of, with liberty to the petitioner to approach the first respondent by filing proper application as mentioned above. If any such application is filed within two weeks from the date of receipt of a copy of this judgment, the same shall be considered by the first respondent and pass appropriate orders, in accordance with law, as expeditiously as possible, at any rate, within one month from the

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: 3 :

date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd