

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No.5185 of 2015 (W)

PETITIONER:

**FATHIMATH ZUHRA,AGED 27 YEARS,
W/O.ABDUL RASHEED,KOZHISSEERIPARAMPATHU HOUSE,
ASHOKAPURAM P.O.,ALUVA,ERNAKULAM DISTRICT
PIN:683101.**

BY ADV.SRI.T.K.SHAJAHAN

RESPONDENTS:

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,SOUTH BLOCK,
GOVERNMENT OF INDIA,NEW DELHI-110001.**
- 2. THE REGIONAL PASSPORT OFFICER,
COCHIN PASSPORT OFFICE,PANAMPILLY NAGAR,
ERNAKULAM,KOCHI-682036.**
- 3. ABDUL SALAM KELAPPATTIL,AGED 34 YEARS,
S/O.IBRAHIMKUTTY,KUNNATH PADATHU,PULIPARAMBA,
CHELAMBRA P.O.,MALAPPURAM DISTRICT,PIN:673 634.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.5185 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:TRUE COPY OF THE PASSPORT OF THE PETITIONER BEARING
NO.K1586031.**

**EXHIBIT P2:TRUE COPY OF THE DIVORCE CERTIFICATE DATED 20.9.2013
ISSUED BY THE MUHIYIDHEEN PALLI PARIPALANA COMMITTEE,
KADALUNDI.**

**EXHIBIT P3:TRUE COPY OF THE AGREEMENT DATED 20.9.2013 ENTERED AND
EXECUTED BETWEEN THE PETITIONER AND 3RD RESPONDENT
BEFORE THE NOTARY AND WITNESSES FOR THE PAYMENT OF ALL
COMPENSATIONS AND CLAIMS OF THE PETITIONER.**

**EXHIBIT P4:TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 24.12.2014 OF
PETITIONER ISSUED FROM KADALUNDY GRAMA PANCHAYATH.**

**EXHIBIT P5:TRUE COPY OF THE ONLINE APPLICATION FOR PASSPORT
SUBMITTED BEFORE THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5185 of 2015

Dated this the 24th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "1. Issue a Writ of Mandamus or any other Writ, order or direction calling for the records leading to Ext.P1 and directed the 2nd respondent to accept the application for issuance of Passport by deleting the name and address of the former spouse and to include the name and address of the present spouse in the entry of the name and address of the spouse of the petitioner and issue the renewed passport after correcting the entry of name and address of spouse in the passport of the petitioner on the basis of Exhibit P4 Marriage Certificate.*
- 2. Declare that the refusal to correct the entry of name and address of the spouse in the passport of the petitioner on the basis of Exhibit P4 marriage certificate as illegal.*
- 3. Pass such other Writ, order of direction as prayed for by the petitioner in due course which shall be just and proper."*

2. The case of the petitioner is that, the request made by the petitioner has been rejected by the 2nd respondent as per Ext.P5, holding that the certificate as in the form of Ext.P2 is not liable to be accepted in view of the Circulars/instructions issued by the Government in this aspect.

3. Heard the learned standing counsel for the respondents 1 and 2.

4. When the matter came up for consideration before this Court on 19.02.2015, urgent notice on admission to the 3rd respondent was ordered to the 3rd respondent by special messenger. Despite the completion of service of notice, the 3rd respondent has not entered appearance so far. It appears that, the 3rd respondent does not have any objection to the pleadings and prayers set forth by the petitioner with regard to the issue involved.

5. After hearing both the sides, the 2nd respondent is directed to accept the application preferred by the petitioner for issuance of Passport and issue passport to the petitioner within 'one month' from the date of receipt of a copy of the judgment, if the application is otherwise in order.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE