

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 6495 of 2015 (J)

PETITIONER:

**K.K.JOSEPH, AGED 65 YEARS,
S/O.KURIAN, KANJIRATHINKAL HOUSE,
KOOTHRAPPALLY P.O, KARUKACHAL,
KOTTAYAM - 686 540.**

BY ADV. SRI.JOSE JOSEPH (MANNAR)

RESPONDENT(S):

- 1. REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE BUILDING,
PANAMPILLY NAGAR P.O., COCHIN - 682 036.**
- 2. PASSPORT SEVAKENDRA, 4 SQUARE PLAZA,
M.C.ROAD, OPP. MAHADEVA TEMPLE,
NAGAMPADAM, KOTTAYAM - 686 001,
REPRESENTED BY OFFICER-IN-CHARGE.**

BY SRI.N.NAGARESH, A S G OF INDIA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE APPLICATION RECEIPT DATED 8/5/2014.
- P2: TRUE COPY OF THE JUDGMENT DATED 23/01/2008 IN OP.26/2008 OF THE FAMILY COURT, ETTUMANOOR.
- P3: TRUE COPY OF THE ANNEXURE -G AFFIDAVIT DATED 20/05/2014 SIGNED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, CHANGANASSERY.
- P4: TRUE COPY OF THE BIRTH CERTIFICATE OF ANN MARIA SAJEEV ISSUED BY SULTANATE OF OMAN ATTESTED BY THE EMBASSY OF INDIA, MUSCAT.
- P5: TRUE COPY OF THE CERTIFICATE DATED 12/02/2015 ISSUED BY PRINCIPAL, GOOD SHEPHERD PUBLIC SCHOOL, CHANGANASSERY.
- P6: TRUE COPY OF THE ORDER DATED 5/02/2015 ISSUED BY THE 1ST RESPONDENT.
- P7: A TRUE PHOTOSTAT COPY OF THE EMERGENCY CERTIFICATE DATED 23.11.2014 ISSUED BY THE ASSISTANT CONSULAR OFFICER, EMBASSY OF INDIA, MUSCAT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.6495 of 2015

Dated this the 9th day of September, 2015

JUDGMENT

The petitioner is the grandfather of Ann Maria Sajeev. Ann Maria Sajeev is born in the wedlock of Bindu Jose with Sajeev Chacko Thayil. Ann Maria Sajeev born while the couple were working at Oman in Muscat.

2. The couple got separated by mutual divorce decree. Ext.P2 is the decree of the Family Court, Kottayam.

3. It appears that the mother of the Ann Maria Sajeev, namely, Bindu Jose Sajeev is working in Muscat and this writ petition is filed by the grandfather for issuance of Passport to Ann Maria Sajeev. The application has not been taken into logical consideration for the following defects:

4. As per provisions of The Passport Rules, 1980 the following documents are required in the present case to submit an application for the minor's passport:

- i) Birth Certificate issued by the Registrar of Births & Deaths.
- ii) Proof of Address of the applicant parent.

iii) Annexure H signed by both parents or a court order explicitly granting custody of the child to the mother without any visitation rights to the father.

iv) Self attested copies of passport of the mother.

In addition to the above, if the grandfather (being the local guardian) applies for the minor's passport, the following additional documents are required:-

- i) Proof of address of the grandfather
- ii) Letter from the child's mother authorizing the grandfather to apply for the minor's passport duly attested by Embassy of India where the mother resides, and,
- iii) An affidavit executed by the grandfather explaining his credentials of being the guardian to the minor.

In view of Annexure-G, this Court is of the view, Annexure-H need not be insisted by the Passport Authority. This Court is of the view that Annexure-G is sufficient in as much as there is a decree of divorce between Bindu Jose and her husband Sajeew Chacko Thayil. However, the petitioner has to produce the birth certificate issued by the competent authority. Therefore, on

production of the birth certificate issued by the competent authority and furnishing all other details other than Annexure-H, the Passport Officer shall consider the application for issuance of Passport.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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