

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 12344 of 2014 (P)

PETITIONER(S):

**SASIDHARAN PILLAI,
GOKULAM, NO.16, SUVARNA NAGAR
EROR WEST P.O., THIRIPUNITHURA, KOCHI
PIN-682 306.**

BY ADV. SRI.P.SREEKUMAR

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110001.**
- 2. THE REGIONAL PASSPORT OFFICER,
ERNAKULAM-682016.**
- 3. THE PASSPORT OFFICER,
PASSPORT SEVA KENDRA, IRUMPANAM, KOCHI-682019.**

*** ADDL.R4 IMPEADED**

- 4. BIJU G. NAIR
S/O GOPINATHAN NAIR, ROHINI, SOWHRUTHAM NAGAR
AMBALATHINKARA, KAZHAKKOOTTAM,
THIRUVANANTHAPURAM.**

ADDL.R4 IMPEADED AS PER ORDER DATED 21.10.2014 IN IA NO.13300/14

**R1-R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R4 BY ADV. SRI.P.VINODKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 SERIES: TRUE COPIES OF THE RELEVANT PORTION OF THE PASSPORTS.

**EXT.P2: A TRUE COPY OF THE AUTHORISATION ISSUED BY THE
 PETITIONER'S DAUGHTER IN FAVOUR OF THE PETITIONER.**

**EXT.P3 SERIES: TRUE COPIES OF THE APPLICATIONS SUBMITTED WITH RESPECT
 TO THE THREE CHILDREN.**

**EXT.P4: A TRUE COPY OF THE AFFIDAVIT SWORN BY THE PETITIONER IN
 ONE OF THE APPLICATIONS.**

**EXT.P5: A TRUE COPY OF THE ORDER CRL.MP NO.2545/2012 IN MC NO.38/12
 OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, ERNAKULAM.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 12344 of 2014

Dated this the 30th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- " 1. Issue a writ of mandamus or any other writ or order directing the respondents to consider exhibit P3 application and to renew exhibit P1 series of passports.
2. Declare that the insistenc of consent from the father of the minor children in the present case is contrary to the Passport Act and Rules and the same is untenable."

2. When the matter came up for consideration before this Court on 13-11-2014, the following interim order was passed.

"The petitioner is the grandfather of minor children, namely, Anjana, Aparna and Adithya. The minor children are having valid Passports. The period of the Passports expired on 27-8-2014. Presently, the minor children are with the petitioner. The petitioner is a maternal grandfather of the minor children. The mother of the children is working in Sultanate of Oman. The additional fourth respondent is the father of minor children. The father is also working in Sultanate of Oman. The mother and father of the minor children are living separately. The petitioner applied for renewal of Passports. The Passport Authorities refused to consider the application stating that unless both mother and father consent to renewal of Passports, they are unable to issue Passports.

The additional fourth respondent appeared through Counsel. It is admitted that minor children are having Passports. However, it is submitted that if the children are taken away, any right available to him for seeking custody or visitorial rights will be lost. The issuance of Passport will not deprive any person from claiming a right of custody or visitorial right, it is for the appropriate Family Court to decide such right. Since the minor children are already

having Passports, I do not find any other impediment in renewing those Passports. Therefore, there shall be a direction to the Passport Authorities to renew the Passports within a period of three weeks.”

3. Subsequently the parties were required to be present before this Court today for exploring the chance for mediation with regard to matrimonial disputes and custody of children. The learned Counsel appearing for the additional 4th respondent submits that additional 4th respondent is present before this Court, who is actually working in Muscat. The learned counsel appearing for the petitioner submits that , despite the earnest efforts taken by the daughter of the petitioner, she could not obtain leave from the employer in Muscat and seeks for one more chance to be present before this Court for exploring the chance to have settlement. The learned counsel appearing for the petitioner also points out that, based on the interim order passed by this Court, passport was issued and the children have already joined the daughter in Muscat.

After hearing both the sides, this Court finds that the parties can be relegated to pursue their rights and remedies with regard to the matrimonial bond between the additional 4th respondent and petitioner's daughter before the appropriate

W.P.(C). No. 12344 of 2014 3

forum. It is also open for them to move the appropriate forum for exploring the chance for settlement

The interim order passed by this Court on 13-11-2014 is made absolute and the writ petition is disposed of.

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

smm