

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24816 of 2015 (B)

PETITIONER:

JOMON IPE IRIMPAN, AGED 43 YEARS
SON OF SRI. IPE, IRIMPAN HOUSE, POOVATHUSSERRY
TRICHUR-680741.

BY ADVS. SRI. ANIL S. RAJ
SRI. P. VISWANATHA MENON
SMT. K. N. RAJANI
SRI. RADHIKA RAJASEKHARAN P.
SMT. ANILA PETER
SRI. J. VIVEK GEORGE

RESPONDENTS:

1. THE REGIONAL PASSPORT OFFICER
OFFICE OF THE REGIONAL PASSPORT OFFICER, COCHIN
SHIHAB THANGAL ROAD, PANAMPILLY NAGAR, KOCHI-682036.
2. SIGIMOL AUGUSTIN, AGED 37 YEARS
DAUGHTER OF MR. AUGUSTIN, PADINJAREKARA HOUSE
KARIPPAPADAM ROAD, ANGAMALY-683572.

R1 BY ADV. SRI. N. NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY ADV. SRI. SABU FRANCIS
R2 BY ADV. SRI. SAJI MATHEW (KOOHATTUKULAM)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 24816 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF INDIAN PASSPORT NO. H9997728 ISSUED BY THE 1ST
RESPONDENT TO MINOR IRIMPAN EDWIN, DATED 6-9-2010.

EXHIBIT P2- TRUE COPY OF OP.NO. 1473/2013 PREFERRED BY THE 2ND
RESPONDENT AGAINST THE PETITIONER BEFORE THE FAMILY COURT,
ERNAKULAM DATED 7-8-2013.

EXHIBIT P3- TRUE COPY OF THE COVERING LETTER TO THE APPLICATION FOR
RENEWAL SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT
DATED 10-8-2015.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C)No.24816 Of 2015

DATED THIS THE 17th DAY OF AUGUST, 2015

JUDGMENT

The petitioner's son Irimpan Edwin is a holder of Indian Passport bearing No.H9997728 issued by the 1st respondent. The passport is due to expire on 5.9.2015. The petitioner made an application for renewing the passport of his son before the 1st respondent. The pleadings on record make it explicitly clear that the marriage between the petitioner and her wife, namely the 2nd respondent has broken down and they are living separately. The 2nd respondent wife has also preferred O.P.No.1473/2013 before the Family Court, Ernakulam seeking divorce. Ext.P2 is the copy of O.P.No.1473/2013 pending before the Family Court. Now the grievance of the petitioner is that the 1st respondent Passport Officer is insisting consent letter from the 2nd respondent mother or a Court order for renewal of Ext.P1 passport.

2. I heard arguments of the learned counsel for the petitioner , the learned Assistant Solicitor General of India for the 1st respondent and also the learned counsel for the 2nd respondent.

3. The learned Assistant Solicitor General of India on instructions submitted that the application filed by the petitioner for renewal of Ext.P1 passport was not supported by an affidavit in

Annexure G of the Passport Rules, 1980. The learned counsel for the 2nd respondent would also submit that, the application for renewal of Ext.P1 passport can be entertained only if it is supported with an affidavit in Annexure G.

4. In view of the submissions made by the learned Assistant Solicitor General of India and also the learned counsel for the 2nd respondent, the learned counsel for the petitioner submitted that, the petitioner is prepared to file an affidavit in Annexure G before the 1st respondent within a week.

5. In such circumstances, this Writ Petition is disposed of with the following direction:

If the petitioner is filing an affidavit in Annexure G within a period of one week from today, the 1st respondent shall consider and pass appropriate orders on the application for renewal of Ext.P1 passport, as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of the affidavit in Annexure G.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn