

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 27916 of 2014 (L)

PETITIONER :

**S.GOPI, AGED 65 YEARS,
S/O.S.SHANKARAN, VASANTHAM, CRA C27
TC 8 233 2, CHERUVAKKAL, SREEKARIYAM
TRIVANDRUM.**

**BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR**

RESPONDENTS :

- 1. UNION OF INDIA
REPRESENTED BY THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, SNSM BUILDING
KARALKADA JUNCTION, PETTAH POST, TRIVANDRUM-695 024.**
- 2. THE REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE, SNSM BUILDING
KARALKADA JUNCTION, PETTAH POST, TRIVANDRUM-695 024.**

***ADDL. R3 IMPEADED :**

- 3. SURESH KUMAR S.R
S.R.MANDIRAM, NEAR FARMER'S CO-OPERATIVE SOCIETY,
PETHOORTHALA, POTHENCODE P.O, THIRUVANANTHAPURAM**

ADDL.R3 IMPEADED AS PER ORDER DATED 04.11.2014 IN IA 14986/14.

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

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE ONLINE APPLICATION RECEIPT DATED 8/9/2013.
- EXT.P2: A TRUE COPY OF THE AADHAR CARD NO.4356544800129 OF THE
 PETITIONER ISSUED BY THE GOVERNMENT OF INDIA.
- EXT.3: A TRUE COPY OF THE PASSPORT OF THE PETITIONER'S DAUGHTER
 ISSUED 3/5/2011 BY THE PASS PORT OFFICER, TRIVANDRUM.
- EXT.P4: A TRUE COPY OF THE AFFIDAVIT AS PER ANNEXURE G
 DATED 9/5/2014.
- EXT.P5: A TRUE COPY OF THE AFFIDAVIT GIVEN BY THE PETITIONER'S
 MOTHER DATED 5/3/2014.
- EXT.P6: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
 PETITIONER TO THE PASSPORT OFFICER ON 17/10/2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON J.

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Dated, this the 14th day of January, 2015

JUDGMENT

The grievance of the petitioner is with regard to the non-issuance of passport to his minor grandchild Anaina Raj, referring to non production of consent of the father of the child.

2. The learned counsel for the petitioner submits that the petitioner's daughter is a divorcee. As per the agreement entered in between, custody of the child was given to the petitioner's daughter. It is stated that the petitioner's daughter is now working abroad and hence the child is under the care and custody of the petitioner. Petitioner has submitted Ext. P1 on-line application before the respondents for issuance of passport to his minor grandchild, along with Exts. P2 to P5 documents. But the request was not acceded to by the respondents, stating that since the parents of the child are divorced, either consent of the other parent or an order of the Court granting custody is to be produced to maintain the application. The

learned counsel for the petitioner submits that, as per the law declared by this Court in **Juvairiya Vs. Regional Passport Officer [2014 (1) KLT 990]**, in the case of the divorced parents, it is not necessary to produce the consent of the other parent or an order by the Court granting custody of the child and all that is required to be produced along with the application, apart from other documents, is an affidavit stating the facts and circumstances. The learned counsel for the petitioner submits that the petitioner has already submitted an affidavit, as mentioned in the decision cited supra, by way of Ext. P4.

3. Heard the learned Asst. Solicitor General appearing for the respondents as well.

4. After hearing both the sides, this Court finds that the issue involved in this case is squarely covered by the decision cited supra. The writ petition is disposed of, directing the respondents to consider the application submitted by the petitioner along with Exts. P1 to P5 documents for issuance of passport to his grandchild, in the light of the decision cited supra, as expeditiously as possible, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

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: 3 :

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

Sd/-

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

kmd