

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.11024 of 2015

H.S.Vishnupriya

...Petitioner

Vs.

1. The Regional Passport Officer,
Shastri Bhavan,
No.22, Haddows Road,
Chennai-600 006.
2. The Passport Officer,
Passport Seva Kendra,
No.1, Bhanaumathi Ramakrishna Road,
Saligramam, Chennai-600 093.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to process the passport application of petitioner's minor daughter Sowmya Lakshmi presented on 13.01.2015 vide File Number MA 1068212129715 with the second respondent herein and issue passport to the petitioner's minor daughter Sowmya Lakshmi within a period of two weeks.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.S.Arokiam,
Central Government Standing Counsel

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that she was married to one S.Pramodh on 30.08.2007 and out of wedlock, a baby girl was born on 13.10.2008, namely Sowmya Lakshmi. The petitioner would further state that after the birth of her daughter, her husband had deserted her and was living separately from June 2009 onwards and thereafter, both of them filed F.C.O.P.No.4532/2013 on the file of the Additional Family Court, Chennai under Section 13B of the Hindu Marriage Act, 1955 and got a degree for dissolution of marriage by

mutual consent, vide decree dated 11.08.2014. The petitioner would further state that subsequently she got married to one Narayanaswamy Mahadevan on 31.08.2014 according to Hindu Customary Rites and Practices and it was also registered at the Office of the Sub-Registrar, Musiri on 11.09.2014 and she also executed a deed of adoption on 17.12.2014, in and by which she gave her minor daughter in adoption to her husband namely Narayanaswamy Mahadevan and it was registered as Document No.163/2014 on the file of the Sub-Registrar Office, Joint-I, Chennai Central. It is the case of the petitioner that her husband is presently employed in an airline industry at Dubai and she is also planning to settle at Dubai along with her husband and in this regard, she applied for passport for her minor daughter on 13.01.2015 in File No.MA1068212129715. The petitioner, in anticipation of obtaining passport for her minor daughter, took transfer certificate from the school in which she was studying First standard for the academic year June 2014 to April 2015 and she had also made arrangements to get her daughter admitted in an Indian School viz., Sharjah Indian School. The grievance expressed by the petitioner is that no orders have been passed on the passport application submitted on behalf of her minor daughter and hence, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 23.01.2015 made in W.P.No.29105 of 2014 [Mrs.V.S.Deepa v The Regional Passport Officer, Chennai and another] reported in 2015-1-L.W.-943 and would submit that this Court, in similar facts and circumstances, has disposed of the writ petition with following directions:

"38. In view of the above, the writ petition is disposed of with the following directions:-

(1) The Ministry of External Affairs, Union of India may incorporate suitable provisions in the Passport Manual and incorporate suitable columns in the applications for the issue of passports, to enable the parties to indicate either the names of the biological parents or the names of the adoptive parents or the names of the step parents or all of them, according as the situation demands. It can be left to the will of the parties either to indicate the names of one or more of the biological parents along with the name/ names of the adoptive or step parent/parents or to indicate the names of all.

(2) In so far as the case on hand is concerned, the respondents shall issue a passport to the daughter of the petitioner, by indicating the name of R.Lakshmanan as the stepfather, in the column reserved for filling up the name of the father. The respondents are directed to issue passport within four weeks, upon the petitioner's

application bearing File No.MA3067806994714 dated 10.7.2014."

and prays for appropriate orders.

4. Heard the submissions of Mr.S.Arokiam, learned Central Government Standing Counsel, who accepts notice on behalf of the respondents and would submit that instructions/guidelines from the Ministry of External Affairs, Government of India, New Delhi, are being sought for and prays for further time.

5. This Court, taking into consideration the above facts and circumstances especially the urgency expressed by the learned counsel appearing for the petitioner, directs the respondents to process the passport application of the petitioner in File No.1068212129715, if the papers are otherwise in order and shall issue a passport to the minor daughter of the petitioner, namely Sowmya Lakshmi, indicating the name of Mr.Narayanaswamy Mahadevan as the step/adopted father in the column reserved for filling up the name of the father, within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Regional Passport Officer,
Shastri Bhavan,
No.22, Haddows Road,
Chennai-600 006.

2. The Passport Officer,
Passport Seva Kendra,
No.1, Bhanaumathi Ramakrishna Road,
Saligramam, Chennai-600 093.

1 CC to Mr.V.Suthakar, Advocate SR.No. 29721

1 CC to Mr.S.Arokiam, Advocate SR.No. 29466

W.P.No.11024 of 2015

TEJ (CO)

PSI (24.06.2015)