

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.33017/2014

Master Nishanth Rowan Simham
represented by Mother and Guardian
Dr.S.M.K.Sirisha

..Petitioner

-Versus-

1.The Regional Passport Officer,
Regional Passport Office, Rayala
Towers, Nos.2&3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai 600 002.

2.The Passport Seva Kendra
Regional Passport Office
Navins Presidium, No.103,
Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to forthwith issue passport to the petitioner vide File No.MA2068005292314 dated 16.10.2014 on the file of the 2nd respondent.

For Petitioner : Mr.B.Natarajan

For RR1&2 : M/s.M.Christella, SCGSC

ORDER

Heard Mr.B.Natarajan, learned counsel for the petitioner and M/s.M.Christella, learned senior Central Government Standing Counsel appearing for the respondents and perused the material available on record.

2.The petitioner is a minor represented by his mother Dr.S.M.K.Sirisha. There is a dispute between the petitioner's mother and father and the matter went before the Additional Family Court, Chennai, in FCOP No.443/2013 and a decree of divorce has been granted on 28.10.2013. Now the minor seeks for a passport. The respondent/Passport Authorities are insisting upon a No Objection Certificate from the petitioner's father. In my view, the respondents cannot insist upon a No Objection Certificate merely because the Family Court has granted visitation rights for the father of the child. The issuance of passport for the minor cannot have any bearing on the visitation rights. However, it is made clear that if the mother of the petitioner intends to take the petitioner away from the country, then she has to get the consent of the petitioner's father or from the appropriate Forum so that visitation rights exercisable by the petitioner's father is not, in any manner, jeopardized.

3.The writ petition is disposed of with a direction to the 2nd respondent to issue passport to the petitioner, if the same is otherwise in order within a period of three weeks from the date of receipt of a copy of this order. No costs.

AP

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The Regional Passport Officer,
Regional Passport Office, Rayala
Towers, Nos.2&3, IV Floor
Old No.785, New No.158,
Anna Salai, Chennai 600 002.

2.The Passport Seva Kendra
Regional Passport Office
Navins Presidium, No.103,
Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

+ 1 CC TO M/s.M.Christella, Advocate Sr.7923.
+ 1 cc to Mr.B.Natarajan, Advocate Sr.7820.

WP.No.33017/2014

KR/21/2/2014