

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 25498 of 2015

Mrs.B. Shridevi

..Petitioner

Vs.

The Regional Passport Officer,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to consider the application in File No. MA2068623047515 dated 02.06.2015 and to issue passport to the petitioner's daughter Ms.Rakshna, S. Mentioning the step father's name.

For Petitioner :: Mr.V. Sundarraman

For Respondents:: Mr.K. Gunasekar
SPCCG

O R D E R

The grievance of the petitioner is that the application for passport in respect of her daughter Ms.Rakshna S. has not been processed so far.

2. Learned counsel for the petitioner submitted that the divorce proceedings between the petitioner and her first husband are already over and the petitioner's daughter has been living with the petitioner and her present husband.

3. In the counter affidavit filed by the respondent, it has been stated that on compliance of requisite conditions, the passport application of the petitioner's daughter would be considered.

4. In response to the above, learned counsel for the petitioner would submit that all other requirements have been complied with, excepting one, namely, getting an affidavit attested either by a Judicial Magistrate or an Executive

Magistrate. Learned counsel for the petitioner also submitted that the petitioner may be permitted to get an affidavit attested by a notary as there is difficulty in getting an affidavit attested either by a Judicial Magistrate or an Executive Magistrate.

5. Considering the submission made by the learned counsel for the petitioner and taking note of the difficulty expressed, the condition that the petitioner should furnish an affidavit attested either by a Judicial Magistrate or an Executive Magistrate is modified and instead, the petitioner can furnish an affidavit to be attested by a notary. Thereafter, the respondent shall consider the application of the petitioner pending in File No. MA2068623047515 dated 02.06.2015 for issue of passport to her daughter, on merits and in accordance with law, and pass appropriate orders. This order is passed considering the facts and circumstances of the case. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nv

To

The Regional Passport Officer,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to M/s. V. Sundarraman, Advocate, S.R.No.61091
+1cc to M/s. K. Gunasekar, Advocate, S.R.No.61242

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EU(25/11/2015)

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