

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.31532 of 2015 and M.P.No.1 of 2015

Rajendra Krishnan
S/o.S.Krishnan No.24A Uche Gounder Street
N.S.Nagar Othakkal Mandapam,
Coimbatore 641 032 .. PETITIONER

Vs.

The Regional Passport Officer
Regional Passport Office Passport Seva
Kendra No.25 AGT Business Park Avinashi
Road Civil Aerodrome Post,
Coimbatore 641 014 ... RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to consider the renewal application File No. CB1078573563115 in the Petitioner Passport vide No.F5900029 pending before the respondent and renewal the Passport and mentioned as separated in the spouse column.

For Petitioner : Mr.G.Prabhakar
For Respondent : Mr.Madanagopal,
Senior Central Govt.
Standing counsel

O R D E R

The petitioner has come forward to file the writ petition seeking direction to the respondent to consider renewal application.

2 The reason for filing the writ petition is that the relationship between him and his spouse got estranged and therefore, unable to fill up the specific column.

3 In the counter affidavit filed by the respondent, it has been stated as follows:

'6. The respondent submit that it has been brought to the notice by various passport

applicants that they find it difficult to submit Annexures 'G' and 'K' sworn before Judicial Magistrates, So Ministry of External Affairs, CPV Division, New Delhi has decided that Annexure 'G' and 'K' may be accepted even if sworn before 'Executive Magistrate' vide circular No.VI/401/ 24/2002 dated 15.03.2013. It is submitted that if the petitioner is unable to obtain the affidavit in Annexure 'K' from First Class Judicial Magistrate and he can obtain affidavit in Annexure 'K' from Executive Magistrate. In this petition he has not tried to obtain affidavit in Annexure 'K' from Executive Magistrate. Without trying to get affidavit from Executive Magistrate, the petitioner filed writ petition.

7. The respondent further submits that if the petitioner is unable to obtain the affidavit in Annexure 'K' from First Class Judicial Magistrate, he can obtain affidavit in Annexure 'K' from Executive Magistrate as prescribed by Ministry of External Affairs vide circular No.VI/401/24/2002 dated 15.3.2013.

8. Under these circumstances, if the petitioner submits affidavit in Annexure 'K' sworn before the Judicial Magistrate or Executive Magistrate for his marital separation, the petitioner's application would be considered for reissue of passport.'

4 Thus, the writ petition stands disposed of by giving liberty to the petitioner to approach the Executive Magistrate, Coimbatore and get necessary document as required by the respondent. On receipt of the same, the respondent shall proceed and take appropriate steps in this regard.

The Writ petition stands disposed of accordingly, Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

True Copy

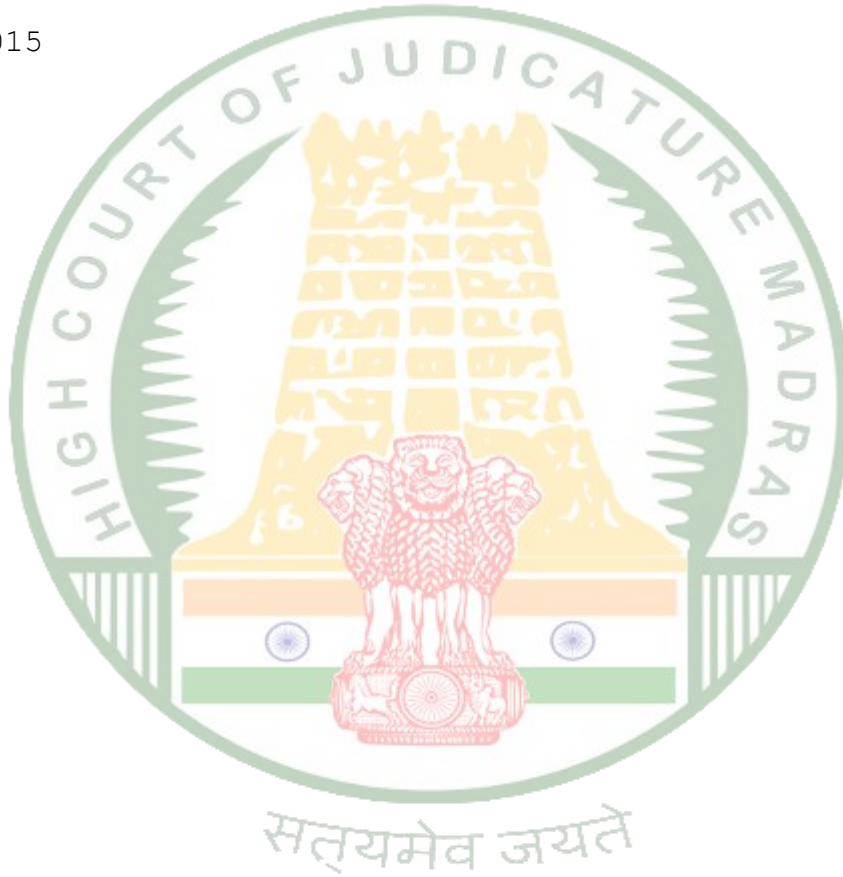
Sub Assistant Registrar

To
The Regional Passport Officer
Regional Passport Office, Passport Seva Kendra,
No.25 AGT Business Park Avinashi Road,
Civil Aerodrome Post, Coimbatore 641 014

+1 cc to Mr.G.Prabakar,Advocate(sr.57868)

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NSM(co)
cp 2/11/2015



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