

In the High Court of Judicature at Madras

Dated : 17.11.2015

Coram :

The Honourable Mr.Justice M.M.SUNDRESH

Writ Petition No.8851 of 2015

P.Aravind

...Petitioner

Vs

1.The Regional Passport Officer,
Haddows Road, Chennai-34.

2.The Passport Seva Kendra,
Claret Complex, Duraisamy
Reddy Street, Tambaram,
Chennai-45.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to process passport application in file No.MA 3068268824315 dated 5.2.2015 and to issue the passport in the petitioner's name P.Aravind Ranjani mentioning the name of the step father in the column provided to fill his natural father's name.

For Petitioner : Mr.G.S.Shivekumar

For Respondent-1 : Mr.Su.Srinivasan,
Asst. Solicitor General

ORDER

The petitioner has come forward to file this writ petition seeking a Writ of Mandamus directing the respondents to process the passport application mentioning the name of the step father in the column provided to fill up the name of his natural father.

2. In the counter affidavit filed by the first respondent, the following stand has been taken in paragraphs 6 and 7, which read as follows :

"6. It is respectfully submitted that the Ministry had informed this office vide OM No.VI/ 401/1/25/ 2014 dated 25.8.2015 that the issue of amendment to the Passport Manual, 2010 in accordance with the judgment dated 23.1.2015 passed by this Honourable

Court in W.P.No.29105 of 2014 is currently under the consideration of the Ministry. As an interim measurement, this respondent office was duly advised by our Ministry to accept and dispose of the pending applications involving the identical issue i.e. the insertion of step parent's name in the passport of minor children/applicant, in the light of the judgment of this Honourable Court dated 23.1.2015 in W.P.No. 29105 of 2014 subject to fulfilment of the following conditions :

(i) divorce decree of the biological parents

(ii) the remarriage certificate of the biological parent with the step parent

(iii) an affidavit on the lines of Annexure-G duly attested/sworn before the Executive Magistrate/First Class Judicial Magistrate categorically stating that the petitioner does not want to have biological parent(s) name on the passport and instead of that, the name of step parent be inserted in the passport.

The petitioner also has to submit a sworn affidavit that in case of arising of any litigation/ court case due to furnishing of this declaration, entire onus to defend the same will be on the applicant side and not on the Passport Issuing Authority.

(iv) At least, two documents issued in the petitioner's name wherein the name of step father has been mentioned against the father's name.

7. Therefore, it is respectfully submitted that the petitioner, if approaches the respondents with the required documents as mentioned in para 6(i) to (iv), it would be processed and if it is in order, the passport would be issued to the petitioner."

3. The learned counsel for the petitioner submitted that the conditions stipulated above would be fulfilled within a period of two weeks.

4. Accordingly, the writ petition is disposed of giving liberty to the petitioner to fulfil the conditions stated supra. If the said conditions are fulfilled, the respondents shall take appropriate follow up action within four weeks thereafter. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Regional Passport Officer, Haddows Road, Chennai-34.

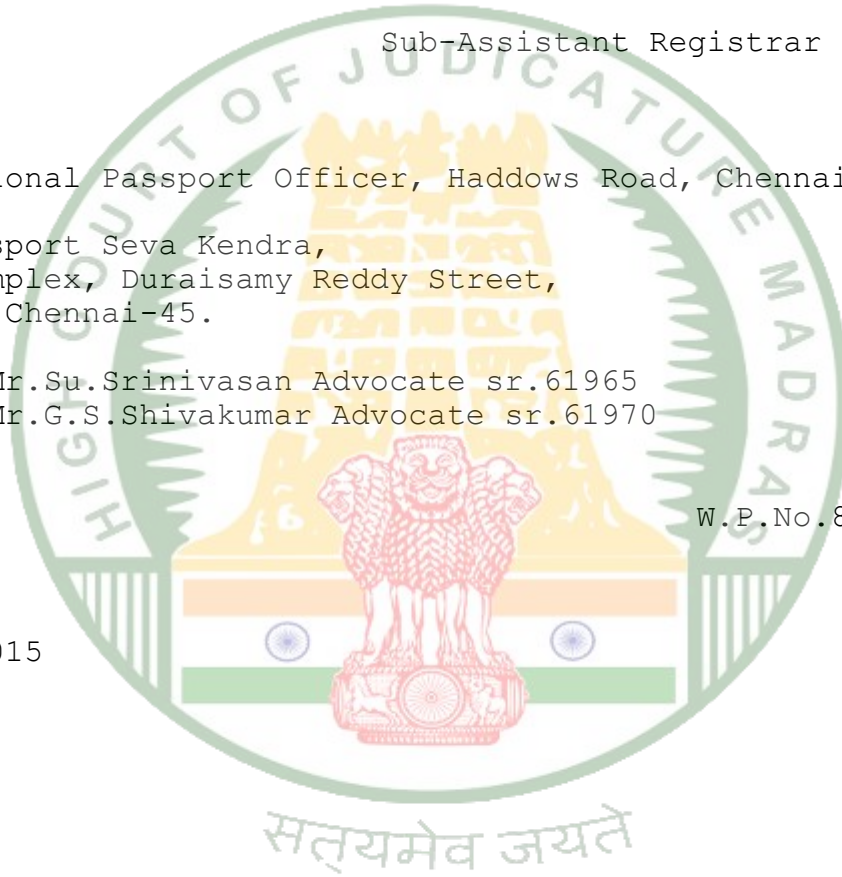
2.The Passport Seva Kendra,
Claret Complex, Duraisamy Reddy Street,
Tambaram, Chennai-45.

+1 cc to Mr.Su.Srinivasan Advocate sr.61965

+1 cc to Mr.G.S.Shivakumar Advocate sr.61970

W.P.No.8851 of 2015

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