

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.12360 of 2014

T.Prasanth

... Petitioner

Vs.

1. The Regional Passport Officer,
Southern Region,
Sastri Bhavan,
Chennai.

2. Raja Princilla Angelin

... Respondents

The Writ Petition has been filed, under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to delete the second respondent's name from the petitioner's passport, bearing No.K1031700, in the spouse column.

For Petitioner : Mr.D.S.Ramesh

For Respondent : Mr.J.Madanagopal Rao, SCGSC for R-1
No appearance for R-2

सत्यमेव जयते
ORDER

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the first respondent.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent to delete the name of the second respondent, from the Passport of the petitioner, bearing No.K1031700.

3. The petitioner has stated that he had married one Cecilia Jasmine Jebakumari, on 10.9.2004. Due to some misunderstanding, the petitioner and his wife had been living,

separately, from the year, 2007. While so, the petitioner had started living with the second respondent. A female child was born to the second respondent, on 27.1.2010, during the said relationship. Thereafter, the second respondent had deserted the petitioner. It has been further stated that during the year, 2013, the petitioner had applied, for the renewal of his Passport, bearing Passport No.K1031700. At that time, the Passport authority had informed the petitioner that the second respondent had obtained the Passport, bearing Passport No.G7647803, showing the name of the petitioner, as her spouse. However, the name of the petitioner had been deleted, subsequently, as the second respondent had married one Mahesh Kumar. The said marriage had been registered, on the file of the office of the Sub Registrar, Sembium. Since the first respondent had not accepted the request of the petitioner to enter the name of his wife, namely, Cecilia Jasmine Jebakumari, as the spouse of the petitioner, in the application filed by the petitioner, for the renewal of his Passport, bearing Passport No.K1031700, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

4. At this stage of the hearing of the writ petition, a counter affidavit, dated 13.8.2015, has been filed on behalf of the first respondent. Paragraph 10 of the said counter affidavit reads as follows:

"10.I further submit that the petitioner, so far, did not submit any passport application for deletion of his spouse name or to replace the spouse name entered in the passport issued to him. If the petitioner submits an application for deletion of his spouse name or replacement of spouse name in passport with usual procedure, his application will be processed in accordance with the provisions of the Indian Passports Act, 1967."

5. In view of the submissions made by the learned counsels appearing on behalf of the petitioner, as well as the first respondent and in view of the averments made in the counter affidavit filed on behalf of the first respondent, this Court is of the view that the petitioner may be permitted to make a fresh application for the renewal of his passport and the first respondent may be directed to consider the same and pass appropriate orders thereon. Accordingly, the petitioner is permitted to make a fresh application, for the renewal of his Passport, bearing Passport No.K1031700, along with relevant documents, to the first respondent, within a period of four weeks from the date of receipt of a copy of the order. On receipt of such application, the first respondent shall consider

the same and pass appropriate orders thereon, on merits and in accordance with law, within a period of eight weeks, thereafter, after giving an opportunity of hearing to the petitioner, his wife, namely, Cecilia Jasmine Jebakumari and the second respondent herein.

6. The writ petition is disposed of, with the above directions. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vvk

To

The Regional Passport Officer,
Southern Region,
Sastri Bhavan,
Chennai.

+1cc to Mr.D.S.Ramesh, Advocate, S.R.No.44912

+1cc to Mr.J.Madanagopal Rao, Advocate, S.R.No.45381

Writ Petition No.12360 of 2014

KGK(CO)
CA(18/08/2016)

सत्यमेव जयते

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