

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23400 of 2016
and W.M.P.No.20062 of 2016

V.Nedumaran

.. Petitioner

Versus

1.Regional Passport Officer,
Royala Towers,
II & III, 4th Floor,
Old No.785, New No.158,
Anna Salai, Chennai - 2.

2.Regional Passport Office,
Pass Port Seva Kendra
Saligramam,
No.1, Bhanumathi Ramakrishna Road,
Saligramam,
Chennai - 93.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to process the Application Reference No.16-1005779145 dated 27.06.2016 for re-issuance of petitioner's Pass Port within a time frame stipulated by this Court.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.C.V.Ramachandramoorthy

सतममेन जयते
O R D E R

The petitioner in the affidavit filed in support of this writ petition would aver among other things that she married one C.K.Sumathi on 27.01.2005 as per Hindu Marriage Rites and customs at Vadapalani Arulmighu Varasidhi Vinayagar Temple and the said marriage was registered on 16.03.2005 at the office of the Sub Registrar, Purasawalkam, Chennai in Serial No.293/2005 and he has also obtained a passport on 20.03.2006 incorporating the name of C.K.Sumathi as his spouse/wife. Subsequently, there was a misunderstanding between the petitioner and C.K.Sumathi and she deserted the petitioner and permanently left India and settled in United States of America, being a Green Card Holder.

2. The learned counsel appearing for the petitioner, on instructions, would submit that prior to the petitioner marrying C.K.Sumathi, he married one Renuka and through legal process, got divorced and subsequent to the breaking of marriage relationship between him and C.K.Sumathi, he married one Rajashree on 25.04.2006. But it was registered only on 30.06.2015 and out of wedlock, two sons were born on 22.12.2006 and 06.03.2009 respectively.

3. The petitioner would further state that he has applied for renewal of passport during the month of July 2015 as it is getting expired on 19.03.2016 by showing that Mrs.Rajashree as his spouse/wife by producing the certificate of marriage. The first respondent in response to the said renewal, sent a communication dated 17.07.2015 calling upon the petitioner to explain the circumstances in and by which the breaking of desertion of marriage relationship with C.K.Sumathi. The petitioner has also sent a detailed reply on 05.08.2015, explaining that there is no suppression of any material fact. The petitioner by way of abundant caution has also filed O.P.No.3330/2015 on the file of the Court of III Additional Family Court, Chennai against C.K.Sumathi and ex parte decree came to be passed on 09.12.2015 and no steps have been taken either to set aside the ex parte decree of divorce or to file an appeal challenging the legality of the said decree.

4. It is also contented by the learned Counsel appearing for the petitioner that as on today, the petitioner's marital relationship with Rajashree is still subsistence and therefore, there cannot be any impediment on the part of the first respondent to renew the passport by incorporating the name Mrs.Rajashree as his spouse/wife and prays for appropriate orders.

5. Per contra, Mr.C.V.Ramachandramoorthy, learned Standing Counsel appearing for the respondent has invited the attention of this Court to the counter affidavit as well as the additional counter affidavit and would submit that since the petitioner did not produce any valid document as to the divorce through legal process in respect of his two wives viz., Renuka and Sumathi, the request for renewal of passport, with necessary entry showing Tmt.Rajashree as his wife, has not been considered.

6. This Court has considered rival submissions and also perused the materials placed before it.

7. In the light of the above facts and circumstances, the petitioner is at liberty to approach the first respondent with all necessary and relevant documents to prove and substantiate that through legal process, he had divorced Renuka and Sumathi and also the subsistence of marriage with Rajashree within a period of one week from the date of receipt of a copy of this

order and the first respondent, on receipt of the same, is directed to consider the same, if the documents are otherwise in order and pass orders in accordance with law within a further period of six weeks thereafter and communicate the decision taken to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

PVS/vsm

To

- 1.The Regional Passport Officer,
Royala Towers,
II & III, 4th Floor,
Old No.785, New No.158,
Anna Salai, Chennai - 2.
- 2.Regional Passport Office,
Pass Port Seva Kendra
Saligramam,
No.1, Bhanumathi Ramakrishna Road,
Saligramam,
Chennai - 93

+2ccs to Mr.V. Manohar, Advocate, S.R.No.47931
+1cc to Mr.C.V. Ramachndramurthy, Advocate, S.R.No.48155

NM(CO)
EU(30/08/2016)

W.P.No.23400 of 2016

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