

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.42148 of 2016

Poojitha

.. Petitioner

-Vs.-

1. Ministry of External Affairs
rep. By Under Secretary (PV-I),
CPV Division, Patiala House,
India Gate, New Delhi-110 001.

2. The Regional Passport Officer,
Sastri Bhavan,
No.26, Haddows Road,
Chennai-6.

3. The Passport Officer,
Passport Seva Kendra,
Navins Presidium,
No.103, Nelson Manickam Road,
Aminjikarai, Chennai.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to issue a passport pertaining to the Passport Application under File No.(ARN) 16-1008732563 submitted on 05.10.2016 before the 2nd respondent mentioning Thiru Ramanaa B.V. as her step father in the passport within a time frame following the principles laid down by this Court reported in 2015 (1) L.W. 943.

For Petitioner : Mr.V.Srinivasa Babu

For Respondents : Mr.Su.Srinivasan,
Assistant Solicitor General

O R D E R

The Writ Petition has been filed seeking to issue a writ of Mandamus, directing the respondents to issue a passport

pertaining to the Passport Application under File No.(ARN) 16-1008732563 submitted on 05.10.2016 before the 2nd respondent mentioning Thiru Ramanaa B.V. as her step father in the passport, within a time frame, following the principles laid down by this Court reported in 2015 (1) L.W. 943.

2. According to the petitioner, the marriage between her mother and the biological father Babu was dissolved by the Family Court at Chennai in HMOP.No.85 of 2006 dated 21.09.2006. Thereafter, her mother got married to one Ramanaa B.V. subsequently, according to Hindu Rites and Customs. Further, according to the petitioner, she is now studying M.B.B.S. 4th year at Meenakshi Medical College. All her credentials carry the name of the step father. Likewise in the Passport Application, she has stated that because of the subsequent marriage, she has given the name of the step father. Thereafter, she was called for interview on 06.10.2016 and there, she has specifically made a request to the 2nd respondent to include the name of her step-father in the column ''declaration of father''. But till date her passport application is not processed. Hence, the present Writ Petition.

3. Learned Counsel for the petitioner would submit that in an identical circumstance in B.S.Deepa vs. Regional Passport Officer reported in 2015 (1) LW 943, this Court issued positive direction to the respondents to issue passport by indicating the name of R.Lakshmanan as the stepfather of the petitioner therein as she has been under the care and custody of her step father. Hence, the learned Counsel for the petitioner would pray to give the same treatment to the petitioner in the case on hand also.

4. Learned Assistant Solicitor General appearing for the respondents would submit that in the application, in general, in the column ''father'', the name of the biological father is insisted. However, following the decision of this Court in B.S.Deepa vs. Regional Passport Officer reported in 2015 (1) LW 943, there is no impediment for the respondents to issue a passport, if the petitioner is otherwise entitled.

5. In an identical circumstance, in B.S.Deepa vs. Regional Passport Officer reported in 2015 (1) LW 943, while disposing of the case, this Court has issued a positive direction which is extracted hereunder:

''38. (1) The Ministry of External Affairs, Union of India may incorporate suitable provisions in the Passport Manual and incorporate suitable columns in the applications for the issue of

passports, to enable the parties to indicate either the names of the biological parents or the names of the adoptive parents or the name of the step parents or all of them, according as the situation demands. It can be left to the will of the parties either to indicate the names of one or more of the biological parents along with the name/names of the adoptive or step parent/parents or to indicate the names of all.

(2) In so far as the case on hand is concerned, the respondents shall issue a passport to the daughter of the petitioner, by indicating the name of R.Lakshmanan as the step father, in the column reserved for filling up the name of the father. The respondents are directed to issue passport within four weeks, upon the petitioner's application bearing File No.MA3067806994714 dated 10.07.2014.'

6. Following the same, the present Writ Petition is disposed of by directing the respondents to issue a passport to the petitioner, by indicating the name of Thiru Ramanaa B.V. as the step father, in the column reserved for filling up the name of the father. The respondents are directed to issue passport within four weeks, upon the petitioner's Passport Application under File No.(ARN) 16-1008732563 submitted on 05.10.2016. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Under Secretary (PV-I),
Ministry of External Affairs
CPV Division, Patiala House,
India Gate, New Delhi-110 001.
2. The Regional Passport Officer,
Sastri Bhavan,
No.26, Haddows Road,
Chennai-6.

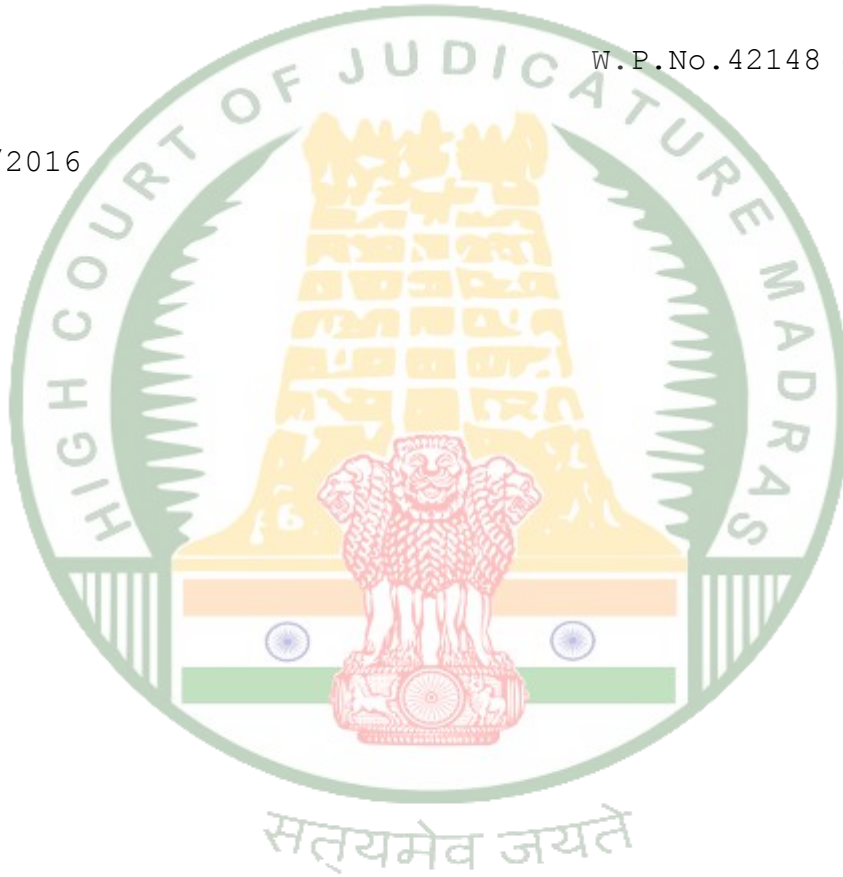
3. The Passport Officer,
Passport Seva Kendra,
Navins Presidium,
No.103, Nelson Manickam Road,
Aminjikarai, Chennai.

+1cc to Mr.V.Srinivasa Babu, Advocate Sr.73174

+1cc to Mr.Su.Srinivasan, Advocate Sr.73267

W.P.No.42148 of 2016

srg 19/12/2016



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