

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.2436 OF 2015

ORDER:

The present writ petition is filed by the minor girl, Baby Poorvika Mella, who is aged about 3 years, through her grand father, seeking to declare the action of the 1st respondent in raising objection vide letter Ref.No.OBJ/ 302306897/ 15, dated 27.01.2015, with regard to issuance of passport to the girl, as illegal and arbitrary, and consequently, set aside the same, by directing the respondent to process the passport application.

The case of the petitioner in brief is that his grand daughter, by name, baby Poorvika, who is aged about 3 years, applied for passport through application, dated 11.12.2014, before the 1st respondent. The 1st respondent raised objection, vide letter impugned, and requested to furnish the consent of the father of the girl – 2nd respondent, since he has visitation rights.

Learned counsel for the petitioner submitted that admittedly, there are disputes between the mother and father of the girl and they obtained decree of divorce by mutual consent on 02.08.2014, and the father of the girl has visitation rights for every four months with the consent of the mother only, and therefore, the question of consent does not arise, and that the father of the girl was already contacted another marriage.

None appears on behalf of the 2nd respondent, though notice was served on him.

Considering the facts and circumstances of the case and in view of the submissions of the learned counsel for the petitioner, the

1st respondent is directed to process the application of Baby Poorvika Mella, without insisting for the consent of her father i.e. the 2nd respondent.

With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 15, 2016
KTL

