

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.28007 of 2017

Aamina Jawahira.M.

..Petitioner

Vs

1. Union of India,

represented by the Secretary to
The Ministry of External Affairs,
New Delhi 110 001.

2. The Regional Passport Officer,

Regional Passport office,
Royala Towers, No.2 & 3,
IV Floor, Old No.785,
New No.158,
Anna Salai,
Chennai -600 002.

..Respondents.

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to issue a fresh passport under Tatkaal category in the name of the petitioner's daughter Alesha Lyla.K. vide application reference No.17-1010432483 dated 27.10.2017 within a stipulated time frame.

For Petitioner : Mr.Mubarak Ahamad
for M/s. Ahmad Associates

For Respondents : Mr.Rabu Mahonar
Standing counsel

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O R D E R

The petitioner, who is the mother of a new born child, 50 days old, has approached this Court and filed the present writ petition seeking for a direction to the 2nd respondent to issue a fresh passport under the Tatkaal category in the name of the said child by name, Alesha Lyla.K., vide application reference No.17-1010432483, dated 27.10.2017.

2. At the time of hearing the matter for admission, Mr.Rabu

Mahohar, learned standing counsel, took notice on behalf of the respondents and sought time to get instructions. Accordingly, the matter is listed today for further hearing. Mr. Rabu Manohar placed a parawise comments made by the respondents to the averments made in the affidavit filed in support of the writ petition.

3. Learned counsel appearing for the petitioner submitted that the petitioner has applied for the passport of her daughter under the Tatkaal Scheme with relevant documents and however, the Regional Passport Office, Chennai, has not issued the same only on the reason that the consent of the father of the said child was not attested by the Embassy of India even though such attestation is not required in view of the Office Memorandum issued on 10.03.2017 followed by a clarification on 28.03.2017. Therefore, he submitted that since the Visa given to the petitioner is going to expire very shortly, the respondents should be directed to issue the passport to her child under the Tatkaal Scheme at the earliest point of time.

4. Mr. Rabu Mahohar, learned counsel for the respondents, after inviting the attention of this Court to the parawise comments, submitted that the petitioner did not furnish the standard affidavit as per Annexure 'E' and Verification Certificate as per Annexure 'B' and if those two documents are furnished, the petitioner's claim will be considered.

5. To the above said submission made by the learned standing counsel appearing for the respondents, learned counsel for the petitioner submitted that the petitioner has already filed Annexure 'E' Affidavit dated 30.10.2017 and other certificate, namely Verification Certificate as per the specimen Annexure 'B' will be submitted immediately, if it is not submitted already. Therefore, he submitted that the respondents may be directed to issue passport under the Tatkaal Scheme.

6. Upon hearing the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondents and on perusal of the office memorandum dated 28.03.2017 clarifying that such requirement of attestation of Annexure 'D' was done away with, I do not think that the respondents can refuse to grant the passport to the child of the petitioner on the reason that the consent affidavit of the father of the child has not been attested by the Embassy of India. However, as the respondents themselves have come forward before this Court to say that the petitioner's case will be considered if the above said two documents are furnished and considering the submissions made by the petitioner that one of such documents was already furnished, namely Annexure 'E', this Writ petition is disposed of with the following directions.

(a) The petitioner shall produce Annexure 'B' Verification Certificate before the 2nd respondent within a period of two days from the date of receipt of a copy of this order.

(b) The petitioner is also permitted to furnish one more copy of Annexure 'E' standard affidavit along with Annexure 'B' Verification Certificate.

(c) On receipt of the above said documents, the 2nd respondent shall consider the claim of the petitioner for issuance of passport to the child and pass appropriate orders in accordance with law under the Tatkaal Scheme without loss of further time.

(d) The 2nd respondent is directed to complete the entire process on or before 10.11.2017.
No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi 110 001.
2. The Regional Passport Officer,
Regional Passport office,
Royala Towers, No.2 & 3,
IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai - 600 002.

+1cc to Mr.Ahmed Associates, Advocate, S.R.No.78344
+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.78397

W.P.No.28007 of 2017

RV(CO)
GN(07/11/2017)