



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.11477 of 2017

Vishaka Badamchand (Minor),
Represented by its Mother and
Natural Guardian, Gayathri

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to consider the application for re-issue a passport in respect of the petitioner's daughter namely Vishaka Badamchand in file No. MD 1079951533717 dated 04.02.2017 and dispose the same within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.T.Sasidharan Tamilkani
For Respondent	: Mrs.S.Srimathy

ORDER

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondent to consider the application for re-issuance of passport in respect of the petitioner, namely Vishaka Badamchand, who is represented by her mother namely Gayathri, in file No. MD 1079951533717 dated 04.02.2017 and dispose the same within a stipulated time.

2. Heard both sides.

3. The brief facts of the case is that the marriage was solemnized between the said Gayathri and her husband Padamchand on 03.04.2005 and out of wedlock, a female baby was born namely, Vishaka. Thereafter, due to matrimonial dispute, proceedings are pending before the Family Court, Madurai, in H.M.OP.No.385 of 2015 and G.W.O.P.No.27 of 2015.



4. It is alleged that the petitioner's mother has been deserted by her husband and she is taking care of the minor child/petitioner. Since the passport of her daughter was misplaced, she approached the respondent for re-issuance of passport. Since the same was not considered, the present writ petition has been filed.

5. The respondent has filed a counter stating that the petitioner, who is represented by her mother Gayathri, had submitted a passport application along with missing Certificate for re-issuance of passport and when the application is under consideration, the petitioner's father had surrendered his daughter's passport No.L-6182608 dated 07.11.2013 and also objected for re-issuance of the passport to her daughter in view of the pendency of divorce case in H.M.O.P.No.385 of 2015.

6. Mrs. S.Srimathy, learned standing counsel would submit that the respondent has already issued the show cause notice dated 08.02.2017 followed by reminder dated 03.05.2017 to the mother of the petitioner, who has represented the petitioner, seeking explanation regarding the circumstances under which she suppressed the divorce case. It is further submitted that the petitioner has not produced an order copy granting interim custody. Hence, the application seeking re-issuance of passport to the petitioner was not considered.

7. It is not in dispute that the petitioner, namely Vishaka Badamchand was already issued with passport by the respondent and in view of the matrimonial dispute, the petitioner's mother Gayathri and his father are living apart.

8. In view of the limited scope of prayer sought for in this writ petition, this Court directs the respondent to consider the application for re-issuance of the passport and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order after providing opportunity to the necessary parties.

9. With the above direction, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To,

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

+1cc to Mr.S.T.Sasidharan Tamilkani, Advocate Sr.No.65190

+1cc to Mr.S.M.S.Johnny Basha, Advocate Sr.No.65201

CM/GSP

VB/SKN/RSK/SAR1/02/08/2017/3P/4C

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