



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.4932 of 2016

Azad Mohammed Nizamudeen

... Petitioner

Vs.

- 1.The Government of India,
Ministry of External Affairs,
New Delhi.
- 2.The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Tiruchirappalli,
Municipal Water Tank Building,
W.B. Road,
Tiruchirappalli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing 1st respondent to give necessary direction to 2nd respondent to accept the Application Form for obtaining Passport to petitioner's son Mohamed Ismail Farhaan, born on 23.09.2011 as step-father by considering the petitioner's Application dated 01.03.2016.

For Petitioner

: Mr.A.Haja Mohideen

For Respondents

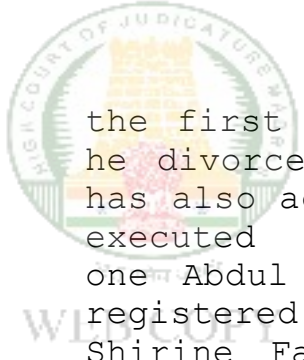
: Mr.R.Murugappan

Central Govt. Standing Counsel

ORDER

The present writ petition has been filed for a direction, directing 1st respondent to give necessary direction to 2nd respondent to accept the Application Form for obtaining Passport to petitioner's son Mohamed Ismail Farhaan, born on 23.09.2011 as step-father by considering the petitioner's Application dated 01.03.2016.

2.According to the petitioner, the petitioner already married one V.S.Fathima Nachiyar and out of the wedlock, they have one female child viz., Maryam, born on 02.05.2010. Subsequently,



the first wife Fathima Nachiyar deserted the petitioner. Hence, he divorced her on 17.08.2014 by pronouncing triple talaq, she has also accepted the talaq and the divorce deed was also properly executed between them on 17.08.2014. Subsequently, he married one Abdul Azaees Shirine Fathima. The marriage was also duly registered on 29.01.2015. The petitioner and the Abdul Azaees Shirine Fathima lived as husband and wife and the above said Shirine Fathima was already married to one Mohamed Mansoor and through that marriage, she has got two sons viz., M.Anjuman Ara and Mohamed Ismail Farhaan. Subsequently, the said Mohamed Mansoor died on 26.07.2012. Now, the petitioner is acting as step-father for the above said two children and the above said Shirine Fathima is acting as step-mother of the petitioner's daughter Maryam. Now, the petitioner approached the second respondent for obtaining passport for the above said three children on 01.03.2016 and shown the petitioner as step-father and Shirine Fathima as step-mother. But the second respondent refused to entertain the application stating that they have to get appropriate orders from the Court.

3. Heard the submissions made on either side and perused the records carefully.

4. The learned counsel for the petitioner submitted that the petitioner being the step-father and his wife as step mother, there is no dispute about the same. Hence, an order from the Court is not necessary to get a passport including the name of the petitioner as step-father. In this regard, he relied on a judgment of this Court reported in **2015 (2) CTC 503, B.S.Deepa Vs The Regional Passport Officer, Chennai** and another, wherein, this Court has held as follows:

"36. Therefore, I am of the view that the Ministry of External Affairs is obliged to come up with innovative steps and measures to resolve problems of this nature. This Passport Manual may perhaps have to be amended suitably to incorporate Additional Columns in the Applications for the issue of Passports. Apart from the columns where the names of the Biological parents are to be indicated, the Application Form may also contain Additional Columns where the names of the Step-parents could be indicated, wherever applicable. This will reduce or even eliminate the possibility of any discrepancy between the entries in the Birth Register and the School Records or other records.

<https://hcservices.ecourts.gov.in/hcservices/> 28. In view of the above, the writ petition is disposed of with the following directions:



(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 names 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 Stepfather, 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."

5. The learned Central Government Standing Counsel appearing for the respondents submitted that so far, the petitioner did not file any application and in the event of any application filed by the petitioner, the second respondent is ready to consider the same.

6. Considering the above submission and also considering the order passed by this Court, the petitioner is directed to file necessary application indicating that the petitioner is 'Step-father' and the above said Abdul Azaees Shirine Fathima as 'Step-mother'. In the event of filing such application, the second respondent/ Regional Passport Officer, Tiruchirappalli is directed to consider the application, in the light of the order passed by this Court referred to above and pass suitable orders as expeditiously as possible.

7. With the above direction, this writ petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(Cr1.side)

/True Copy/



To

1. The Government of India,
Ministry of External Affairs,
New Delhi.

2. The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Tiruchirappalli,
Municipal Water Tank Building,
W.B. Road,
Tiruchirappalli.

+1 cc to MR.A.HAJAMOHIDEEN, Advocate Sr.No.67168

+1 cc to MR.R.MURUGAPPAN, Advocate SR.No.67502

W.P(MD)No.4932 of 2016
09.11.2016

SMA/CK/27.12.2016:4P/5C