

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.15262 of 2017

Saisaran Kalpana (Minor)

Rep. by his mother and natural guardian

Mrs.Kalpana

D/o.Sriram

... Petitioner

Vs.

1.Regional Passport Officer

Regional Passport Office Seva Kendra

No.1, Bhanumathi Ramakrishna Road

Saligramam, Chennai-600 093.

also having address at

Regional Passport Office

Rayala Towers No.2 and 3

IV Floor, Old No.785, New No.158,

Anna Salai, Chennai-600 002.

2.Mr.M.Ramesh (estranged father of petitioner)

No.11/6, Anna Street,

Mathiyazhagan Nagar,

Saligramam, Chennai-600 093.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st respondent to process the petitioner's passport application pending File No.MAI060070942917 dated 28.03.2017, 12.52 p.m. on the file of the Regional Passport Authority and issue his passport expeditiously. सत्यमेव जयते

For Petitioner : Mr.Ramprakash Rajagopal

For Respondents : Mr.V.Vijaya Baskar for R1
R2 - No appearance

O R D E R

The petitioner seeks for a mandamus directing the first respondent to process the petitioner's passport application pending File No.MAI060070942917 dated 28.03.2017.

2. The petitioner, a minor, represented by his mother and his natural guardian has filed the above said passport application before the first respondent. The grievance of the petitioner before this Court is that the first respondent has not processing the application so far.

3. The learned counsel for the petitioner submitted that there is no legal impediment for the first respondent to consider the application of the petitioner, as the petitioner and the second respondent has already separated themselves, by way of legal proceedings.

4. However, the learned counsel for the first respondent submitted that in view of the order passed in OP.No.1701 of 2014 dated 08.12.2014 by the Principal Family Court, unless the petitioner's mother gets consent from her husband, the application of the petitioner cannot be processed.

5. Admittedly, the first respondent has not passed any detailed order, indicating the reasons for not considering the application. Only when an order is passed, the petitioner will be in a position either to challenge the same before the appropriate forum or to seek relief from the Family Court in OP.No.1701 of 2014 accordingly. Therefore, this writ petition is disposed of, by directing the first respondent to pass orders on the petitioner's application dated 28.03.2017, within a period of two weeks from the date of receipt of a copy of this order. After receiving such order, it is open to the petitioner to work out his remedy, before appropriate forum in a manner known to law. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mk

To

1.Regional Passport Officer, Regional Passport Office Seva Kendra No.1, Bhanumathi Ramakrishna Road, Saligramam, Chennai-600 093. also having address at Regional Passport Office Rayala Towers No.2 and 3 IV Floor, Old No.785, New No.158, Anna Salai, Chennai-600 002

+ 1 cc to MR. N. Vijaya Baskar, Advocate SR. 4316

+ 1 cc to Mr.Ramprakash Rajagopal, Advocate Sr.4362

+ 2 ccs to Mr.Ramprakash Rajagopal, Advocate Sr.4362 (20/2/18)

W.P.No.15262 of 2017

(CS-VII)

EU (05/02/2018)