



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.357 of 2020

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Hema Janani

... Petitioner

Vs.

The Regional Passport Authority,
Passport Office,
Claret Plaza,
Melakal Main Road,
Kochadai, Madurai.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to issue a valid new passport to the petitioner's minor son H.Dishen showing the name of A.Ananthakumar as his father/care of my minor son by considering the passport application vide Ref.No.19-1011141887 dated 23.11.2019 and the written explanation submitted by the petitioner on 13.12.2019 bearing in mind the decisions reported in 2015(2) MLJ 314 and 2016(7) MLJ 605.

For Petitioner : Mr.Niranjana S.Kumar

For R-1 : Mr.V.Kathirvel,
Assistant Solicitor General of India
Assisted by
Mr.C.Nandagopal,
Central Government Standing Counsel

O R D E R

The Writ Petition has been filed seeking for a direction to the respondents to issue a valid new passport to the petitioner's minor son H.Dishen showing the name of A.Ananthakumar as his step-father by considering the passport application vide Ref.No.19-1011141887 dated 23.11.2019 and the written explanation submitted by the petitioner on 13.12.2019 bearing in mind the decisions reported in 2015(2) MLJ 314 and 2016(7) MLJ 605.

2. The petitioner herein, was originally married to one K.S.Manoj @ Siva Murugan and she begotten a male child S.Sivadishen on 01.01.2012 out of the wedlock. Later
<https://hcmes.courts.mv.in/1526> of 2015 was filed under Section 13(B) of Hindu



Marriage Act, 1955 by the petitioner and her erstwhile husband, seeking divorce by mutual consent and the same was granted on 06.02.2016. At the time of dissolution of the first marriage, the minor child S.Sivadishen was permitted to be with the mother, petitioner herein permanently.

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3. Later, the name of the petitioner's son was changed from S.Sivadishen to H.Dishen by way of a notification made in the Government Gazette dated 27.04.2016. While so, the petitioner married one A.Ananthakumar, S/o Ayyamperumal on 11.07.2018. As there were frequent travel of the parents outside the country, they applied for passport for their minor son namely H.Dishen and the application was also accepted, which was made online. On the date of appointment, when the petitioners appeared before the respondent, it was pointed out that the marital status of the petitioner was wrongly stated to the officials as 'single'. A penalty was also imposed by the Authorities, which was paid by the petitioner. Thereafter, the petitioner was waiting for the issuance of new Passport applied in favour of her minor son, showing his step father as Mr.Ananthakumar in the column father but it was not done by the respondent.

4. In this regard, the learned counsel for the petitioner placed his reliance in the case of **B.S.Deepa vs. Regional Passport Officer, Chennai 600 006** reported in **2015(2) MLJ 314** and in the case of **J.Nijish Archibald vs. Regional Passport Officer, Madurai** reported in **2016(7) MLJ 605**. However, the facts of the above said cases are not strictly applicable to the present case in hand.

5. Be that as it may, the learned Assistant Solicitor General of India appearing on behalf of the respondent has filed his counter affidavit in which at paragraph no.6, it is stated that on production of certain documents, the request of the petitioner may be complied with. The documents sought for by the respondent are:

- (a) Order dated 01.08.2015 of the Hon'ble Sub-Ordinate Judge, Aruppukottai in H.M.O.P.No.126 of 2015 dissolving the marriage between the petitioner and the biological father of the minor passport applicant mentioning the permanent custodian of the minor child to the petitioner;
- (b) Re-marriage certificate of the petitioner issued by competent authority;
- (c) Birth certificate of her minor son Master Dishen with atleast two educational/ public documents where the name of the step father is mentioned against the father's name column, and
- (d) Due to change in name of the passport applicant, two documents (issued by government or school authorities)



in the changed name of the minor applicant, thereafter the minor passport application will be processed in accordance with the provisions of the Indian Passports Act, 1967.

6. The learned counsel for the petitioner also agreed that the petitioner would produce the above mentioned documents before the Authorities within a period of two weeks and on production of the above documents by the petitioner, if the Authorities are otherwise satisfied to issue a fresh passport to the Minor H. Dishen indicating that Mr.Ananthakumar as his step father.

7. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's application dated 23.11.2019 on its own merits and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondent to consider it in accordance with law.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

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Sub Assistant Registrar(CS)

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To:

The Regional Passport Authority,
Passport Office,
Claret Plaza,
Melakal Main Road,
Kochadai, Madurai.

+1 CC to MR.NIRANJAN S.KUMAR, Advocate (SR-4348[F] dated 31/01/2020)

Order made in
W.P (MD) No.357 of 2020

Dated:

31.01.2020

KM/(20.02.2020) 3P 3C