

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.11313 of 2020

Sangeetha Somu

... Petitioner

Vs

1.The Regional Passporrt Officer,
Rayala Towers 2 and 3 - IV Floor,
Old No.785 New No.158,
Anna Salai,
Chennai - 600 002.

2.The Chief Immigration Officer,
Ministry of External affairs,
Sashthri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

3.R.Thilakeswaran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to renewal of petitioner's minor son namely T.Gaayanth Naji's Passport No.M4217187 which was expired on 01.01.2020 without insisting the signature and presence of the petitioner's husband namely R.Thilakeswaran, the third respondent herein.

For petitioner ... Mr.A.Gouthaman

For Respondents 1 & 2... Mr.M.Sathyan,
Central Government Standing Counsel

For Respondent 3 ... No appearance

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the first respondent to renew the passport of the petitioner's minor son T.Gaayanth Naji bearing passport No.M4217187 which got expired on 01.01.2020 without insisting for the presence of the petitioner's husband R.Thilakeswaran,

the third respondent herein.

2. It is the case of the petitioner that she is having a matrimonial dispute with her husband namely the third respondent herein which is the subject matter of HMOP No.100 of 2018 on the file of the Principal Subordinate Court, Chengalpet. It is the case of the petitioner that her minor son T.Gaayanth Naji's Passport bearing passport No.M4217187 got expired on 01.01.2020. According to the petitioner, since the petitioner is unable to get the consent of the third respondent for renewal of her minor son's passport, the first respondent has not renewed the passport of the petitioner's minor son T.Gaayanth Naji. In such circumstances, this writ petition has been filed seeking for renewal of T.Gaayanth Naji's Passport which got expired on 01.01.2020.

3. Heard Mr.A.Gouthaman, learned counsel for the petitioner and Mr.M.Sathyan, learned Central Government Standing Counsel for the respondents 1 & 2. The third respondent who is the husband of the petitioner has been duly served with notice in this writ petition and his name is also printed in the causelist today. However, he has not entered appearance before this Court either by himself or through a counsel to raise any objection.

4. Learned Standing Counsel for the respondents 1 and 2 on instructions would submit that only due to matrimonial dispute between the petitioner and the third respondent, the passport of the minor son of the petitioner T.Gaayanth Naji was not renewed by the first respondent.

5. For no fault of the minor T.Gaayanth Naji, he should not made to suffer. Further in this writ petition, the third respondent has been duly served with notice and despite the same, he has chosen not to appear before this Court. Therefore, this Court can take judicial note of the fact that the third respondent has no objection for renewing the passport of his minor son T.Gaayanth Naji which got expired on 01.01.2020. Therefore, the first respondent need not insist for the presence of the third respondent for renewal of passport of T.Gaayanth Naji, the minor son of the petitioner as well as the third respondent.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application dated 13.03.2020 seeking for renewal of passport of the petitioner's minor son T.Gaayanth Naji bearing passport No.M4217187 which got expired on 01.01.2020 without insisting for the presence of petitioner's husband namely T.Thilakeswaran and pass final 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.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Regional Passporrt Officer,
Rayala Towers 2 and 3 - IV Floor,
Old No.785 New No.158,
Anna Salai,
Chennai - 600 002.

2.The Chief Immigration Officer,
Ministry of External affairs,
Sashthri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to Mr.M.Sathyan, Advocate SR.13798
+1cc to Mr.R.Ramesh, Advocate SR.13992 (CB-12/03/2021)

W.P. No.11313 of 2020

GP (CO)
CB (08/03/2021)

सत्यमेव जयते
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