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W.P.No.8893 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.8893 of 2022

Miss. K.Rathika,
D/o. Late Karthikeyan
Rep. By her Guardian Grandmother Mrs.Padma,
W/o.Ashokkumar,
No.46, Old No.C22, New No.C188,
Periyar Nagar, Venkataraman Salai,
Chennai – 600 082.

.. Petitioner

Vs

- 1.The Regional Passport Officer,
Chennai Royala Towers,
No.3, IV Floor, Old No.785,
New No.158, Anna Salai,
Chennai – 600 002.
- 2.The Passport Officer,
Passport Seva Kendra,
Aminjikarai, Navins Presidium,
No.103, Nelson Manickam Road,
Aminjikarai, Chennai – 600 030.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to issue a passport pertaining to the passport application under File Number MA2063994500722 submitted on



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24.02.2022 before the second respondent to the petitioner K.Rathika by accepting the signature of the grandmother Mrs.Padma.

For Petitioner : Mr.S.V.D.Rajendra Prasad

For Respondents : Mr.Perambur E.Palani
CGSC

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's passport application dated 24.02.2022 by accepting the signature of her grandmother Mrs. Padma and pass final orders within a time frame to be fixed by this Court.

2. The case of the petitioner (minor) is that her father died and her mother has deserted her and she has also got re-married. It is the case of the petitioner that she is presently under the custody of Mrs.Padma (maternal grandmother). The petitioner has applied for passport on 24.02.2022. Since the said application has not been considered till date, she has filed this writ petition.



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3. The counter affidavit filed by the respondents states that the respondents issued a communication dated 02.06.2022 advising the petitioner to furnish order of competent court appointing Mrs.Padma as legal guardian for the minor K.Rathika, for whom, the passport is sought for and has also requested the petitioner to produce the death certificate of minor K.Rathika's father, duly filled in Annexure C by mentioning the desertion of the minor's mother.

4. Admittedly, the application submitted by the petitioner seeking issuance of passport for Ms.K.Rathika on 24.02.2022 is still kept pending and no final orders are passed. Undoubtedly, the petitioner will have to satisfy the requirements of the respondents for issuance of passport in favour of the petitioner / minor K.Rathika. The petitioner has also filed the following documents along with this writ petition and they are as follows: (i) petitioner's father death certificate dated 26.08.2008, (ii) petitioner's birth certificate dated 24.09.2006 and (iii) copy of annexure C declaration form of the respondent signed by the petitioner's grandmother dated 01.03.2022.



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5. It is for the respondents to consider the aforementioned documents on merits and in accordance with law and decide as to whether the passport can be issued in favour of Ms.K.Rathika (minor) after affording an opportunity of fair hearing to the petitioner including granting the right of personal hearing. No prejudice would be caused to the respondents, if a direction is issued to the respondents to consider the petitioner's application, seeking for issuance of passport for Ms.K.Rathika, on merits and in accordance with law after affording an opportunity of fair hearing to the petitioner and Mrs.Padma, her grandmother, the legal guardian.

6. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's application dated 24.02.2022 seeking for issuance of passport in favour of Ms.K.Rathika, on merits and in accordance with law, after affording an opportunity of fair hearing to the minor and to Mrs.Padma, grandmother / legal guardian, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all relevant documents /



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records before the second respondent to satisfy the requirements for issuance of passport.

7. With the above said observation, this writ petition is disposed of. No costs.

07.07.2022

Index: Yes/No
ssm

To

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ABDUL QUDDHOSE, J.

(ssm)

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