



W.P(MD)No.2889 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2889 of 2022

J.Usharani

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Claret Plaza,
Melakkal Main Road,
Kochadai,
Madurai.

2.R.Gurusamy
(R.2 is *suo motu* impleaded vide
Court order dated 04.08.2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue a passport to the petitioner's daughter named Minor U.G.Harini accepting the petitioner's declaration given in Annexure C of her daughter's passport application considering her passport application No.MD1063891670322 ARN: 22-1000242337 dated 17.01.2022.



For Petitioner : Mr.R.Sevugaraja

For Respondents : Mrs.L.Victoria Gowri
Assistant Solicitor General of India for R.1

No Appearance for R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Assistant Solicitor General of India appearing for the first respondent.

2. Though notice has been served to the second respondent and his name is printed in the cause list, he has not entered appearance.

3. The writ petitioner got married to the second respondent on 10.09.2009. A child, by name, Harini was born through the wedlock on 11.10.2011. Subsequently, the marital relationship between the writ petitioner and the second respondent came under strain. The second respondent has filed H.M.O.P.No.5 of 2022 at Sub Court, Sankarankovil for restitution of conjugal rights. The petitioner had already initiated proceedings against the second respondent. In the meanwhile, the petitioner wants to obtain passport for her minor child. As per the relevant guidelines, the consent of the biological parent is required or in default, order from the jurisdictional Court is required. I cannot fault in the stand taken by the first respondent.



W.P(MD)No.2889 of 2022

4. The child is with the writ petitioner. The petitioner only wants issuance of passport for the child. Since the second respondent has not chosen to appear before this Court to oppose the prayer, I direct the first respondent to process the petition mentioned application and issue passport to the child of the writ petitioner subject to the fulfillment of the usual formalities except insisting on consent from the biological father. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed on these terms. No costs.

30.08.2022

Index : Yes / No
Internet : Yes/ No
mga

To

The Passport Officer,
Regional Passport Office,
Claret Plaza,
Melakkal Main Road,
Kochadai,
Madurai.



WEB COPY



W.P(MD)No.2889 of 2022

G.R.SWAMINATHAN, J.

mga

W.P(MD)No.2889 of 2022

30.08.2022