



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5529 of 2022

and

W.M.P.[MD]No.4473 of 2022

WEB COPY

Lakshmi

... Petitioner

/Vs./

The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ulaveethi,
Race Course Road, Madurai-625 002,
Tamil Nadu.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider and furnish the passport facilities to the petitioner's daughter Rechal in the name of the step father Ramasamy in the father's column as submitted and furnished the application along with his communication for no objection to mention in the passport as step father forthwith in the earlier passport bearing No.K9986802 and forthwith.

For Petitioner

: Mr.S.Palani Velayutham

For Respondent

: Mrs.L.Victoria Gowri

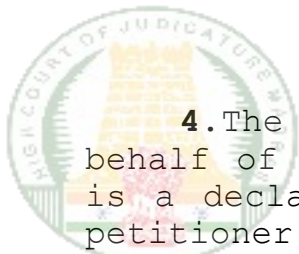
Assistant Solicitor General of India

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's passport application in respect of her minor daughter, Rechal, including the name of her step father, Ramasamy instead of her biological father, within a time frame to be fixed by this Court.

2.The petitioner applied for passport for her minor daughter, Rechal, who was born out of her wedlock with her Ex-husband, Mr.K.Jayaprakash. According to the petitioner, her earlier marriage was dissolved by a Court decree and she got re-married with Mr.Ramasamy. The petitioner submits that the name of the father is sought for in the passport application for her minor daughter, Rechal. The petitioner has given a representation to include the name of Mr.Ramasamy as the step father of her minor daughter, Rechal in place of the biological father. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.S.Palani Velayutham, learned counsel appearing for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, who accepts notice on behalf of the respondent.



4.The learned Assistant Solicitor General of India appearing on behalf of the respondent, on instructions, would submit that there is a declaration form annexed to the passport application and the petitioner can submit a declaration that Mr.Ramasamy can be treated as step father of her minor daughter, Rechal. The same can be considered by the respondent, provided there is no custody case pending in respect of the minor child before any Court of law or there is no other criminal case pending. The said statement is recorded.

5.After giving due consideration to the submissions made by the respective counsels, this Court is of the considered view that no prejudice would be caused to the respondent, if the petitioner's passport application mentioning the name of Mr.Ramasamy as the step father of the petitioner's minor daughter, Rechal, for whom the passport has been applied is considered on merits and in accordance with law.

6.However, it is made clear that it is for the respondent to consider the same, pass final orders and decide as to whether the petitioner is entitled to mention the name of Mr.Ramasamy, as the step father of the petitioner's minor daughter, Rechal. In case there is a child custody litigation pending in respect of the petitioner's minor daughter, Rechal, the respondent can give due consideration to the same and decide as to whether the petitioner is entitled to obtain passport for her minor daughter, Rechal, by declaring the name of Mr.Ramasamy as the step father of the petitioner's minor daughter, Rechal.

7.Accordingly, this Court directs the respondent to pass final orders as observed supra, within a period of four (4) weeks from the date of receipt of a copy of this order. However, the petitioner will have to comply with the requirements sought for by the respondent for getting the passport in terms of the request made by her in her representation.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

Ministry of External Affairs,
The Government of India,
Regional Passport Office,
Madurai Bharathi Ulaveethi,
Race Course Road, Madurai-625 002,
Tamil Nadu.

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-15243[F] dated
30/03/2022)

29.03.2022

MGJ(08.04.2022) 3P 3C