



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.6229 of 2022

WEB COPY

Minor Dhuruvan

C/o. Umashree,

Represented through his Mother and Natural Guardian,

P.Umashree

... Petitioner

Vs.

The Regional Passport Officer,

The Regional Passport Office,

Bharathi Ula Veethi,

Race Course Road,

Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider and dispose of the petitioner's representation dated 10.03.2022 in the light of the judgment passed by this Court reported in 2015-1-L.W. 943 (B.S.Deepa Vs. The Regional Passport Officer, Chennai) 2015 SCC Online Mad 3347 (Master Nishanth Rowan Simhan Vs. The Regional Passport Officer, Chennai) and consequentially re-issue passport to the petitioner's minor son namely "Dhuruvan Umashree" under the file number MD1073496478521.

For Petitioner : Mr.K.Vijayanand

For Respondent : Mr.M.Karthikeya Venkatachalapathy

Central Government Standing Counsel

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's application dated 05.08.2021, seeking for issuance of passport for her minor son Dhuruvan.

2. According to the petitioner, she was earlier married to one Vasanthan Babu, which ended in divorce by virtue of a divorce decree passed by the Sub-Court, Devakottai on 22.02.2021 in H.M.O.P.No.67 of 2019. According to the petitioner, ever since the birth of her son Dhuruvan, he has been in her custody. It is the contention of the petitioner that the minor child Dhuruvan is in her permanent custody. The petitioner has applied for passport for her minor son Dhuruvan on 05.08.2021 with the respondent. The said application has not been processed yet, since the petitioner has not obtained the consent of her ex-husband who is the father of the minor Dhuruvan. The petitioner has also given a representation on 10.03.2022, requesting the respondent to expedite the process of issuance of passport in favour of her minor son Dhuruvan. Since the said



representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.K.Vijayanand, learned Counsel appearing for the writ petitioner and Mr.M.Karthikeya Venkatachalapathy, learned Central Government Standing Counsel, who accepts notice on behalf of the respondent.

4. Learned Counsel for the petitioner drew the attention of this Court to the following authorities in support of his contention that there is no necessity to get the consent of the ex-husband of the petitioner for getting a passport for the minor Dhuruvaan. According to him, it is sufficient that one of the biological parent applies for passport and no consent of the other biological parent is required:

a) *Mrs.B.S.Deepa Vs. The Regional Passport Officer, Chennai and another reported in 2015 -1-LW-943.*

b) *Master Nishanth Rowan Simhan represented by Mother and Guardian Dr.S.M.K.Sirisha Vs. The Regional Passport Officer, Chennai and another reported in 2015 SCC Online Mad 3347.*

5. No prejudice would be caused to the respondent if the petitioner's application for issuance of passport for her minor son Dhuruvaan is considered on merits and in accordance with law after affording a fair hearing to the petitioner in the light of the aforementioned decisions of this Court.

6. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 05.08.2021 seeking for issuance of passport in the name of her minor son Dhuruvaan, followed by her representation dated 10.03.2022 on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing within a period of eight [8] weeks from the date of receipt of a copy of this order in the light of the aforementioned decisions of this Court.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)

MR

<https://hcservices.ecourts.gov.in/hcservices/>



To
The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

+1 CC to M/s.K.VIJAYANAND Advocate (SR-16528[F] dated 05/04/2022)

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