



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6237 of 2022

WEB COPY

S.Vairavanathan

... Petitioner

vs.

1.The Regional Passport Officer,
Passport Authority of India,
Regional Passport Office,
Claret Plaza, 2, Melakkal Road,
Nataraja Nagar, Madurai - 16.

2.The Passport Officer,
Post Office Passport Seva Kendra,
Head Post Office, Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to re-issue the passport to the petitioner's minor daughter, namely, Nivedita Vairavanathan, in pursuance of his application in File No.MD01C5046821121, dated 10.11.2021 within a time frame stipulated by this Court.

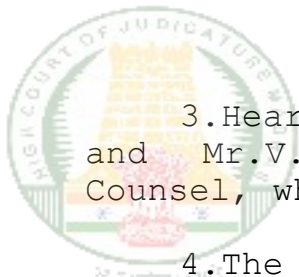
For Petitioner :Mr.J.Parekhkumar

For Respondents :Mr.V.B.Sundareshwar, CGSC

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to re-issue the passport to the petitioner's minor daughter, namely, Nivedita Vairavanathan, in pursuance of his application in File No.MD01C5046821121, dated 10.11.2021 within a time frame to be fixed by this Court.

2.According to the petitioner, his wife, Vinitha, filed a divorce proceedings in H.M.O.P.No.463 of 2016 and obtained an ex parte decree for divorce on 28.04.2017. According to the petitioner, ever since the divorce, his minor daughter Nivedita Vairavanathan, is in his custody. The petitioner had applied for re-issuance of passport in the name of his minor daughter, Nivedita Vairavanathan under his application, dated 10.11.2021. Since the consent of the mother of the minor was not obtained, the petitioner's application has not been processed till date. In such circumstances, the petitioner has filed this Writ Petition.



3.Heard Mr.J.Parekhkumar, learned Counsel for the petitioner and Mr.V.B.Sundareshwar, learned Central Government Standing Counsel, who takes notice on behalf of the respondents.

4.The learned Central Government Standing Counsel, on instructions, would submit that if the petitioner submits the declaration, as per Annexure-C and satisfies the requirements of the respondents, the petitioner's application, dated 10.11.2021 seeking re-issuance of passport for his minor daughter, Nivedita Vairavanathan, will be considered on merits and in accordance with law. The said statement is recorded.

5.No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application, dated 10.11.2021 seeking for re-issuance of passport in favour of his minor daughter, Nivedita Vairavanathan, and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all the documents/authorities in support of his case before the first respondent, who shall consider the same on merits and in accordance with law.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

13/04/2022

Sub Assistant Registrar(CS)

Cmr

To

1.The Regional Passport Officer,
Passport Authority of India,
Regional Passport Office,
Claret Plaza, 2, Melakkal Road,
Nataraja Nagar, Madurai - 16.



2.The Passport Officer,
Post Office Passport Seva Kendra,
Head Post Office, Ramanathapuram.

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+1 CC to M/s.J. PAREKH KUMAR, Advocate (SR-18542[F] dated
13/04/2022)

Order made in
W.P. (MD) No. 6237 of 2022
12.04.2022

ss (CO)
TR(13.04.2022) 3P 4C