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W.P.No.13554 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.13554 of 2023

Dr.Archana Devi

... Petitioner

Vs.

1.The Regional Passport Officer,
Royala Towers No.2 and 3,
4th Floor, Old No.785, New No.158,
Anna Salai,
Chennai – 600 002.

2.Dr.J.Gajasaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to reissue the passport in No.P4718897 to the petitioner's minor son Juanesh Garchan Bose in the application No.MA1075272765523 without insisting upon the 2nd respondent's consent letter, within a time frame fixed by this Court.

For Petitioner : M/s.P.Gunaraj

For Respondents : Ms.D.J.Anitha [R1]



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ORDER

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This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the first respondent to reissue the passport in No.P4718897 to the petitioner's minor son Juanesh Garchan Bose in the application No.MA1075272765523 without insisting upon the second respondent's consent letter, within a time frame fixed by this Court.

2. Ms.D.J.Anitha, learned counsel takes notice on behalf of the first respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order has been passed against the second respondent, notice to the second respondent is dispensed with.

4. The case of the petitioner is that the petitioner made an application for issuance of passport to her minor son, namely Juanesh Garchan Bose before the first respondent in Application No.MA1075272765523 along with the scanned application form, old passport, adhaar card, parents passport, Annexure C, D and the relevant



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documents. However, the first respondent is insisting the petitioner to get consent letter/affidavit from the second respondent, who is the husband of the petitioner and father of the minor child. Hence, the above writ petition is filed before this Court.

5. The learned counsel for the petitioner would submit that, though no written order was passed by the first respondent directing the petitioner to get consent letter from the second respondent, the first respondent has orally informed the same. He also submits that there was some matrimonial disputes between the petitioner and second respondent and now, the minor child is living with the petitioner. He further submits that though Form 'C' has been submitted by the petitioner, the first respondent is not considering the petitioner's application. Hence, he prays for appropriate orders.

6. The learned counsel appearing for the first respondent fairly submits that the petitioner's application will be considered and appropriate orders will be passed, within a time frame that may be fixed by this Court.



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M.DHANDAPANI, J.

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7. In view of the aforesaid submission, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's application No.MA1075272765523 on merits and in accordance with law and pass appropriate orders within a period of two (2) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

27.04.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

The Regional Passport Officer,
Royala Towers No.2 and 3,
4th Floor, Old No.785, New No.158,
Anna Salai,
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