



W.P(MD)No.2000 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2000 of 2023

Sudhamathi

... Petitioner

Vs.

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

2.Balamurugan
(R2 is suo motu impleaded vide Court order
dated 21.02.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to reissue/renew the Passport bearing No.RO978143 to the petitioner's son Master Jaswinthan aged about 13 years, by processing his application in File No.MD1074576766922 based on the explanation / representation dated 09.01.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.S.Jeyasingh

Senior Panel Counsel for R1



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ORDER

Heard the learned counsel appearing for the petitioner and the learned Senior Panel Counsel appearing for the first respondent.

2. The petitioner seeks issuance of passport for her minor son. However, the petitioner's relationship with her husband had come under strain. The divorce proceedings are presently going on. That is why, this Court *suo motu* impleaded the petitioner's husband. Though notice was issued to him, it has been returned with an endorsement 'left'. Of-course, in the passport application, consent of both the parties is required. Since the second respondent is not extending his cooperation, the first respondent is directed to process the petitioner's application and issue passport in favour of the minor son without insisting on consent of the second respondent. However, in the passport, the name of the second respondent will be reflected. This Court is only dispensing with the requirement to obtain consent from the second respondent.

3. The Writ Petition is allowed on these terms. No costs.

01.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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