



W.P(MD)No.2874 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.2874 of 2023
and WMP(MD)No.8053 of 2023

V.Vidhya Lakshmi

... Petitioner

Vs

1.The Government of India,
Ministry of External Affairs,
Rep. by the Regional Passport Officer,
Bharathi Ula Road, Race Course Salai,
Madurai,
Madurai District.

2.A.Akkalaneni Anish

... Respondents

*(2nd respondent impleaded as per
order of this Court, dated 08.06.2023)*

Prayer:Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondent to
consider the daughter's passport application, dated 27.10.2022 along with its
enclosures submitted by her and issue the same forthwith without any further
delay.



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For Petitioner	:Mr. R.Ramasamy
For R1	:Mr.S.Vidhya Maheswaran Central Government
For R2	:Mr.S.Raja

ORDER

The writ petition has been filed in the nature of Mandamus, seeking a direction to the first respondent/Regional Passport Officer, Madurai to consider the application, dated 27.10.2022 and issue passport for the daughter of the petitioner herein, namely, Aadhira, who born on 15.12.2021.

2.The poor child is caught in a litigation between the petitioner and her husband, between whom H.M.O.P.No.140 of 2022 is pending before the Family Court, Madurai. In view of that particular fact, since the father will have to give consent for obtaining passport according to rules and regulations, the first respondent had not issued passport.

3.This Court directed the petitioner to implead her husband and accordingly WMP(MD)No.8053 of 2023 had been filed. Notice had been directed and counsel also entered appearance. Hence, WMP(MD) No.8053 of



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2023 is allowed. Before issuing the order copy, Registry is directed to implead the petitioner in WMP(MD) No.8053 of 2023 as the second respondent, A.Akkalaneni Anish, in the writ petition and carry out necessary amendment in the cause title.

4.This order is passed in the presence of learned counsel for the petitioner and the second respondent. Both of them are directed to co-operate and obtain passport for their daughter, who born on 15.12.2021.

5.A direction is issued to the first respondent to follow due process by issuing notice to the petitioner and second respondent and direction is again reiterated, as parents they have a duty to discharge to their child. They may quarrel between themselves, however, so far as their daughter is concerned, they must join together and resolve their differences for their daughter to obtain the passport.

6.The first respondent is directed to issue notice to the parties, enquire them and issue passport to their daughter on proper application made either by the petitioner or by the second respondent. If either one of them



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does not given consent, the refusal may be overlooked, since the child is a citizen of this country entitled for passport, inspite of a quarrel between her parents.

7.I hope that the petitioner and second respondent shall co-operate in this noble act of obtaining passport for their daughter. The first respondent is directed to issue passport within a period of four weeks, from the date of issuing notice to the petitioner and the second respondent.

8.With the above directions, this Writ Petition stands allowed. No costs.

08.06.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM

To
1.The Government of India,
Ministry of External Affairs,
Rep. by the Regional Passport Officer,
Bharathi Ula Road, Race Course Salai,
Madurai,
Madurai District.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.2874 of 2023
and WMP(MD)No.8053 of 2023

08.06.2023