



W.P(MD)No.5693 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5693 of 2023

Jeyanthi

... Petitioner

Vs.

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

2.Mahendran

... Respondents

*(R2 is impleaded vide order dated
22.11.2023 in W.M.P.(MD)No.6866 of 2023
in W.P.(MD)No.5693 of 2023 by GRSJ)*

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 process the application for issuance of Passport vide File No.MD1064889593522 for the petitioners daughter Thamarai, in accordance with law without insisting for consent from father, within a time stipulated by this Court.



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For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.D.Saravanan,
Central Govt. Standing Counsel for R1.

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ORDER

Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel for the first respondent.

2.The writ petitioner got married to the second respondent on 05.06.2011. A girl child was born on 31.05.2012. The marital relationship between the parties had suffered a breakdown. They are living separately. Now the petitioner has applied for issuance of passport for her daughter / Thamarai. The passport authority is insisting that consent must be obtained from the father of child.

3.It is seen that matrimonial proceedings are pending between the parties. In these circumstances, it will be difficult for the petitioner to approach the second respondent every time for getting his signature. The element of embarrassment also has to be taken note of.



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Therefore, the first respondent is directed to process the petition mentioned application without insisting on consent from the second respondent. The first respondent shall issue passport as sought for, for the petitioner's daughter.

4.This writ petition is allowed accordingly. No costs.

22.11.2023

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

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