



W.P(MD)No.18830 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18830 of 2022

Minor Dhuruvan

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625002.

2.Vasanthan Babu
(R2 is impleaded vide order dated 26.08.2022
in W.M.P.(MD)No.14403 of 2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating with the respondent made in 2200028-CPC-MDU, dated 22.06.2022 and quash the same as arbitrary, illegal and non-application of mind in consequence direct the respondent to re-issue passport to the petitioner's minor son namely Dhuruvan Umashree under the file number MD1073496478521.



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For Petitioner : Mr.K.Vijayanand
For Respondents : Mrs.L.Victoria Gowri
Deputy Solicitor General of India for R1
: No appearance for R2

ORDER

Heard the learned counsel appearing for the petitioner and the Deputy Solicitor General of India appearing for the first respondent.

2. Though the second respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance.

3. Mrs.Umashree and the second respondent herein got married to each other on 22.02.2013. The petitioner Dhuruvaan was born on 22.05.2015. The relationship between the parties came under strain. The marriage was dissolved on 22.02.2021 in H.M.O.P.No.67 of 2019. It is alleged that the second respondent got married subsequently. Now the relief sought for in the writ petition is that the writ petitioner should be mentioned as Dhuruvaan Umashree in the passport. It is further stated that consent from the second respondent ought not to be insisted upon. The petitioner's counsel states that the name change has also been duly published in the gazette. The copy of the paper publication has been enclosed at Page No.48 of the typed set of papers.



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4. The petitioner's counsel states that when the passport authority was petitioned in this regard, the authority had insisted that both the biological parents must jointly apply for name change. I am more than satisfied that a case for grant of relief has been made out. The marital relationship between Umashree and the second respondent has already been dissolved. The minor son is very much with the mother. In response to the court notice, the second respondent has not appeared before this Court.

5. In these circumstances, the first respondent is not justified in insisting on consent from the second respondent. The order impugned in the writ petition is interfered with. The first respondent is directed to reissue the passport in the name of Dhuruvan Umashree. The consent of the second respondent shall not be required in future also by the passport authority.

6. The Writ Petition is allowed. No costs.

01.02.2023

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

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