



W.P.(MD)No.20250 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20250 of 2023 and
WMP(MD) No.16715 of 2023

Mr.Arumugam
S/o Vellaisamy
Represented his son
Minor.Shyamsundar

... Petitioner

Vs

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai -625 002.

2.The Passport Granting /Issuing Officer,
Passport Seva Kendra,
Bye Pass Road,
Melakkal Main Road,
Kochadai,
Madurai – 625 016.

3.Muthulakshmi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication order passed by the first respondent herein in File No.MD1065605857723, dated 03.08.2023 and quash the same as illegal and consequently direct the respondents 1 & 2 to issue passport to the petitione's minor son Shyamsundar Arumugam, within a stipulated time limit as fixed by this Court.

For Petitioner	: Mr.S.Sarvagan Prabhu
For R1 & R2	: Mr.J.Alaguram Jothi Standing Counsel
For R3	: Service awaited.

ORDER

The petitioner has married the third respondent on 12.02.2001. Out of the wedlock, they have blessed with two children. Due to some difference of opinion, they are living separately. However, the children are with the petitioner. The third respondent has filed a Divorce OP as against this petitioner before the Family Court in OP No.90 of 2019 and the same was dismissed on 19.08.2022. As against the same, the third respondent has filed an appeal before this Court and the same is pending in the condone delay stage. The petitioner's



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daughter is studying Paramedical Course in Madras Medical College and his son, namely Shyam Sundar is intending to pursue his MBBS Course at Russia and also got an opportunity. Therefore, the petitioner has approached the first respondent for issuance of passport to his minor son, Shyam Sundar. The respondent has sent a communication to the petitioner by referring the provision that if the application is submitted for issuance of passport for a minor child, the same has to be applied by both the father and mother, calling upon the petitioner to offer his explanation. As against that communication, this writ petition is filed.

2. The learned counsel appearing for the petitioner submits that the third respondent has separated from the petitioner and his children long ago and even he did not know the address of the third respondent. Since the petitioner alone is taking care of his children and the petitioner's son got an opportunity to study at Russia, a suitable direction may be issued to the passport authorities to issue a passport.



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3.Mr.J.Alaguram Jothi, learned Standing Counsel, who takes notice for the respondents 1 & 2 submits that the marriage between the petitioner and the third respondent has not been dissolved in the manner known to law. Therefore, as per the provisions, the application for passport for a minor child has to be jointly made by the parents.

4.This Court considered the rival submissions made.

5.The petitioner's son is aged about 17 years and he got an opportunity to pursue his MBBS course at Russia. The learned counsel for the petitioner has relied on the letter issued by Ministry of Science and Higher Education and the fees paid by him towards course fee. Since the petitioner's son has got an opportunity to pursue his studies at Russia and the petitioner's wife is living separately and also filed Divorce OP, this Court is inclined to allow this writ petition with a



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direction to the first respondent to consider the application of this petitioner's son and issue passport within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

30.08.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
vrn

To

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- 2.The Passport Granting /Issuing Officer,
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B.PUGALENDHI, J.

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