



W.P(MD)No.27442 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27442 of 2023

Metunyaa

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar, 7th Cross,
Tiruchirappalli-620 018.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent herein to re-issue the petitioner's passport made vide application in File No. TR 2063276095521 dated 18.02.2021, within a time frame fixed by this Court.

For Petitioner : Mr.Abdukumar Rajarathnam
Senior Counsel
for Mr.F.Deepak

For Respondent : Mr.J.Alaguram Jothi

ORDER

Heard the learned senior counsel for the petitioner and the learned standing counsel for the respondent.



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2. Gaantha Loshini Durairaj got married to one Elanchezhian on 21.10.2001. The petitioner was born on 03.09.2002 at Trichy. The petitioner's biological father appears to have abandoned when she was young. The marital relationship between the petitioner's mother and the biological father stood dissolved on 23.11.2008. Thereafter, the petitioner's mother got married to one Jegannathan. At present, the petitioner's mother as well as the stepfather are residing in US. The petitioner is pursuing a degree course in Chennai. The petitioner is said to be suffering from certain serious medical ailments for which she requires emergent treatment abroad. The petitioner was being brought up by her maternal grandfather. The maternal grandfather submitted an application to the respondent for re-issuance of the petitioner's passport which expired in the year 2009. It appears that the genuineness of some of the documents submitted by the petitioner's grandfather along with the application are open to grave doubt. Therefore, the respondent did not process the said application. That led to filing of this writ petition.

3. When the matter was taken up for hearing, the learned standing counsel submitted that the petitioner's parents are basically Srilankan citizens. Some how, they had managed to obtain Indian passports. That is why, the



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petitioner's mother had been kept in the list of suspects. That apart, when one of the documents submitted by the petitioner's grandfather appears to be fabricated, the respondent is justified in not processing the application. I will not disregard any of the objection raised by the learned standing counsel for the respondent. But then, humanitarian aspects will have to be taken note of. The petitioner had recently attained majority. Sins committed by her parents or her grand parents cannot fall on the petitioner. I am satisfied that the petitioner is not a party to any act of fraud. Admittedly, the petitioner's father was having an Indian passport. The petitioner was born in India. She was also issued with an Indian passport. That passport had not been cancelled. Since the mother and stepfather are presently in US, interest of justice requires that the petitioner's case is favorably considered. While the respondent would contend that the petitioner's stepfather's name cannot be entered in the passport, the petitioner's stand is that her biological father had abandoned her and that therefore, she may not be comfortable to retain his name in the passport. There is a way out. It is not necessary that the passport should necessarily contain the father's name.

4. I therefore permit the petitioner to apply afresh. The petitioner shall not mention any name in the father's column. As and when such application is



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filed, the respondent shall process the same and re-issue the petitioner's passport as expeditiously as possible. The reissued passport will not carry the petitioner's biological father's name.

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

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Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 11.12.2023



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G.R.SWAMINATHAN, J.

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