

31st January,
2024
(AK)
19

W.P.A 28521 of 2023

Ranajoy Dutta
Vs.
The Union of India and others

Mr. Anindya Lahiri
Mr. Prajnadeepta Roy
Ms. Sohini Kundu
...for the petitioner.

Mr. Ashok Kumar Chakraborti,
... Ld. ASG
Mr. Kumar Jyoti Tewari
...for the respondent nos.1, 3, 4 & 5.

Mr. Srijib Chakraborty
Mr. Aditya Mondal
Ms. Rupsa Sreemani
...for the respondent no.9.

Mr. Biswabrata Basu Mallick
Mrs. Parna Roy Chowdhury
...for the State.

1. A custody dispute has been brought to court by the father of the minor in the form of a writ petition.
2. The present writ petition is on the allegation that the petitioner/father of a minor child made complaint to the passport authorities alleging that his wife, that is, the mother of the minor is seeking to take the minor abroad and has obtained travel documents behind the back of the petitioner.
3. Learned counsel for the petitioner places reliance on Annexure-C of the Passport Rules 1980 which stipulates the specific grounds which are to be

disclosed, if one of the parents of the minor has not given consent.

4. It is argued that the said consent form was not submitted by the private respondent/mother of the child before obtaining the child's passport.
5. Despite having made such complaint, it is argued that the passport authorities have not given any reply to the same or enquired into it.
6. Learned Additional Solicitor General submits that the passport authorities are agreeable to decide on the complaint of the petitioner within a month from date.
7. In any event, it is pointed out that despite notice, the petitioner/father of the minor did not turn up at the juncture of issuing travel documents for the minor.
8. Learned counsel for the private respondent/mother of the minor submits that there was no misunderstanding between the spouses.
9. In fact, it is argued that the petitioner/father was well aware of the passport having been obtained regarding the minor and the intention of the mother to take the child abroad.
10. Hence, it is submitted by the mother that she has been taken by surprise by the present challenge.
11. Be that as it may, the petitioner has made a specific complaint to the passport authorities as the father

of the minor who was issued travel documents at the behest of the mother.

12. In spite of there being a pending custody matter between the parties where orders might have been passed in favour of the mother or otherwise, the same does not have a direct bearing on the present complaint.
13. The passport authorities have taken a fair stand in agreeing to look into the matter.
14. The private respondent has indicated that in terms of the complaint a show cause was issued to her and she had appeared.
15. In such view of the matter, WPA 28521 of 2023 is disposed of by directing the respondent no.5 to enquire into the complaint of the petitioner regarding issuance of travel documents/passport for his minor child and to give a reply to the said complaint, intimating the outcome of the enquiry taken out by the passport authorities in that regard to the petitioner, latest by February 29, 2024.
16. If the passport authorities are of the opinion that an opportunity of hearing is required to be given to the parties, the passport authorities will give such opportunity to the petitioner as well as the private respondent who will be at liberty to produce documents and make their submissions before the passport authorities when such hearing is given.

17. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)