



W.P(MD)No.1002 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1002 of 2024

C.Muthu

... Petitioner

-Vs-

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

... Respondent

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondent to process the pending application of the petitioner's adopted child vide application No. 23-1015605319 and issue Passport to minor. Janavi, who is under care and custody of the petitioner and consider the same.

For Petitioner : Mr.M.Iniyavan

For Respondent : Mr.H.Velavathas
Standing Counsel



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ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the respondent to process the pending application of the petitioner's adopted child vide application No. 23-1015605319 and issue Passport to minor. Janavi, who is under care and custody of the petitioner.

2. It is stated by the petitioner that the his sister Suma and her husband Nagararaj gave birth to a girl baby Janavi. Unfortunately, the parents died and the petitioner is taking care of the child Janavi. While so, he applied for passport to the said minor Janavi. Since the said application has not been considered, he filed the present writ petition.

3. In the counter, it has been stated that either of the biological parent should propose their consent along with the minor application with relevant Annexure for obtaining a passport. In this case, since the petitioner claims that both the biological parent died, in such cases, the applicant, who applies for passport on behalf of the minor, should submit a legal guardianship certificate in support of their claim. Since it has not been submitted, the case of the petitioner could not be considered.



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4. In view of the above, this court is of the view that if the petitioner is willing to take care of the child and adopt the child, he has to proceed with as per law and accordingly, he has to approach the competent civil Court for declaring him as legal guardian of the child. After obtaining the appropriate order from the competent civil Court, the petitioner can apply for the passport to his adopted child. Now, it is not possible for the respondent to consider the case of the petitioner.

5. Hence, this writ petition is dismissed. It is left open to the petitioner to approach the competent civil Court declaring him as legal guardian of the minor girl. No costs.

05.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn
To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
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V.BHAVANI SUBBAROYAN, J.

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