



W.P.(MD).No.7070 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.7070 of 2024

Kala Vairakannu

... Petitioner

Vs.

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

2.The Authorised Officer,
Visa Facilitation Service (VSF),
4300 Scotland St.,
Houston,
Texas - 77007 USA.

3.Narenthirakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to renew the petitioner's son's passport vide application reference Number (ARN) 23-2004560516 without insisting Decree of Divorce from Indian Court or No objection from the 3rd respondent herein within the time fixed by this Court.



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For Petitioner : Mr.M.Sakthivel
For R-1 : Mr.A.Uthaman
For R-2 & R-3 : No appearance

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned counsel appearing for the first respondent.

2. The petitioner got married to the third respondent on 21.06.2010. A male child was born on 10.06.2011 at Thanjavur. The petitioner is presently working in USA. The matrimonial relationship between the parties had come under strain and they are living separately since 2019. The child is with the petitioner. The petitioner has stated in her affidavit that her child is suffering from what is known as ADHD. The petitioner's child's passport has expired. Before expiry, the petitioner applied to the second respondent for renewal of passport.

3. The learned counsel for the petitioner has enclosed a copy of the decree dissolving the marriage between the petitioner and the third respondent. The said decree has been issued by a foreign Court. I have my own serious doubts regarding its validity. The marriage that was solemnized as per Hindu



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law will have to be dissolved only in the manner known to Hindu law and it cannot be dissolved by a foreign country. But, this issue need not be gone into in this Writ Petition.

4. The only question that arises for consideration is whether the respondents 1 and 2 should insist on obtaining of consent from the third respondent.

5. Admittedly, the child is with the mother. It is also stated that the minor child is a special child. It is further stated that the third respondent has not obtained any prohibitory order against the petitioner herein. Therefore, the second respondent is directed to renew the passport of the petitioner's son without insisting on consent from the third respondent.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

27.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

Note: Issue order copy by 03.04.2024



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To

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



WEB COPY



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G.R.SWAMINATHAN, J.

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