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W.P.(MD)NO.9154 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9154 of 2023

N.Halitha Banu

... Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
New Delhi.

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

3. Asik Rahman

(R-3 is impleaded vide order dated 21.09.2023
in W.M.P.(MD)No.11501 of 2023)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to issue passport to the petitioner's minor child Reema Hasin by considering her application No.23-1002660305 dated 06.03.2023.

For Petitioner : Mr.S.Atham Ali

For R-1 & R-2 : Mrs.Deepa,
Central Government Standing counsel.

For R-3 : No appearance.

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for respondents 1 and 2.

2. Though the third respondent has been served and his name is also printed in the cause list, he has not chosen to enter appearance.

3. The writ petitioner got married to the third respondent in the year 2000 as per Islamic rites and customs. It is stated that the marriage was dissolved as per Muslim Law on 04.08.2018. The petitioner states that her minor children are with her. The petitioner requires passport for her minor child Reema Hasin. The application could not be processed by the second respondent because the consent of the third respondent had not been obtained.

4. When the minor child is with the mother and the mother requires to go abroad for employment opportunities, denial of passport to the child would definitely result in irreparable hardship. Indifference of the father is exposed because he has not chosen to enter appearance. He has also not opposed to the writ prayer. He has not obtained any prohibitory order from any court. In these circumstances, I direct the second respondent to issue passport in favour of the petitioner's child Reema Hasin by considering the petition mentioned application. Other



usual formalities should be fulfilled and consent or no objection from the third respondent shall not be insisted upon. This writ petition stands allowed. No costs.

20.03.2024

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course Road, Madurai – 625 002.



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G.R.SWAMINATHAN,J.

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