



W.P(MD)No.11857 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11857 of 2024

and

W.M.P.(MD)No.10566 of 2024

Minor.Adlan Zishan,
Rep. through Next Friend Mother / De-Facto Guardian,
Amathul Natheer

... Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai and District.

2.The Passport Seva Kendra,
Tirunelveli City,
Mukesh Towers,
13, South Bye Pass Road,
Xavier Colony, Tirunelveli.

3.P. Abdul Saboor Ershad

... Respondents

*(R3 is impleaded vide order dated 03.07.2024 in
W.M.P.(MD)No.11250 of 2024 in W.P.(MD)No.11857
of 2024 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned remarks in the acknowledgement letter issued by the 2nd respondent in File No.MD2076467930724 dated 18.04.2024 and quash the



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same as illegal and consequently direct the respondents to renew/re-issue passport to the Minor.Adlan Zishan bearing No.S6962921 by considering petitioner's application reference number in ARN.24-1004841843 dated 18.04.2024 within a time frame as fixed by this Court.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondent : Mr.K.Sankararaman,
Cental Govt. Standing Counsel for R1 & R2.
Mr.S.M.A.Jinnah for R3.

ORDER

This writ petition has been filed on behalf of a special child. The mother is the writ petitioner. The passport authority has taken a stand that consent must be obtained from the father of the child. The matrimonial relationship between the mother and the father appears to be under strain. In this background, the present writ petition came to be filed.

2.The learned counsel for the father / third respondent states that so long as his name appears as the father of the child, he has no objection for re-issuance passport. It is true that G.W.O.P.No.341 of 2022 is pending in Family Court, Tirunelveli. The third respondent has filed said case against the mother for custody of the child. That is why, the impugned order was passed by



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the first respondent calling upon the applicant to furnish order of the Court providing custody.

4.It is not in dispute that the child is presently only with the mother. Since before this Court, the father has expressed no objection, I direct the first respondent to re-issue passport as sought for.

5.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy 22.07.2024.



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G.R.SWAMINATHAN, J.

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