



W.P.(MD).No.12212 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.12212 of 2024

K.Chandrasekaran

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Plot No.A5, Salai Road and
Shastri Road Junction,
Thillai Nagar, Tiruchirappalli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to issue passport to the petitioner's kids namely 1) Karunya, 2) Sowdunyac and 3) Muhesh in their Passport Application Reference Nos.24-1004707459, 24-1004706615 and 24-1004716139 dated 17.04.2024 without insisting to change the name of the petitioner's wife namely Gomathi in his Passport No.X9402877, within time frame as fixed by this Court.

For Petitioner : Mr.A.N.Ramanathan

For Respondent : Mr.A.P.Rajasimman



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ORDER

This writ petition has been filed to direct the respondent to issue passport to the petitioner's kids namely 1) Karunya, 2) Sowdunyac and 3) Muhesh in their Passport Application Reference Nos.24-1004707459, 24-1004706615 and 24-1004716139 dated 17.04.2024 without insisting to change the name of the petitioner's wife namely Gomathi in his Passport No.X9402877, within time frame as fixed by this Court.

2. Heard, Mr.A.N.Ramanathan, learned counsel appearing for the petitioner, Mr.A.P.Rajasimman, learned counsel appearing for the respondent and carefully perused the materials available on record.

3. The petitioner is a holder of the passport in Passport No.F8262823. Subsequently, the same was renewed in passport No.X9402877 and the same is valid till 15.05.2033. He was married to one Gomathi at the first instance, and in due course of time due to indifferences between them, they have separated. Later, the petitioner evolved in a live-in together relationship with one Monica and through that relationship, they are blessed with three children, namely, Karunya, Sowdunyac and Muhesh. The petitioner applied for a passport to the respondent through online on 11.04.2024 with



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appropriate fees seeking issuance of a passport to his children. However, when the petitioner appeared before the respondent authority for interview, the petitioner was required to remove the name of his wife, Gomathi from his passport considering his relationship with his live-in together partner Monica. Hence, the present writ petition has been filed seeking direction to the respondent to issue a passport to the petitioner's children without insisting to change his wife's name.

4. Considering the fact that the petitioner had separated the said Gomathi before several years and they are not in touch with each other and they are not legally divorced, the petitioner does not have any divorce documents to be produced before the respondent authorities so as to facilitate them to remove the name of one Gomathi from his passport. The question that the petitioner is being the biological father of the said Monica's children is not in dispute. The birth certificate of minor children would reveal that the petitioner is their father and Monica is their mother.

5. The right to travel is a fundamental right of every citizens and hence, the children of the petitioner cannot be denied with their right to travel. In view of the same, without insisting the petitioner to change the



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name of his wife Gomathi in his passport, the respondent is directed to issue a passport to the petitioner's children, namely, 1) Karunya, 2) Sowdunyac and 3) Muhesh in their Passport Application Reference Nos. 24-1004707459, 24-1004706615 and 24-1004716139 dated 17.04.2024, if they are otherwise qualified within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of.
There shall be no order as to costs.

15.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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