



W.P(MD)No.16887 of 2024

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THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 01.08.2024

Pronounced On : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16887 of 2024

Minor K.Shalu Brielle,
No.2/482, B-9, Vasanthapuram East Street,
Paramakudi, Ramanthapuram District,
Rep. through her mother & Natural,
Guardian Dr.I.Basta

... Petitioner

Vs.

1.The Regional Passport Officer,
Race Course,
Madurai 625 002.

2.Kennadi Jaya Fredick

... 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 respondent herein to issue passport in the name of minor petitioner Minor K.Shalu Brielle without insisting the petitioner for production of No Objection Endorsement/Consent from the 2nd respondent herein, father of the petitioner herein.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondent : Mr.P.Paul Pandi
SPL for R1



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ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for R1. Notice issued to the second respondent has been returned with an endorsement 'left India'.

2. The petitioner got married to the second respondent on 26.08.2018. Through the wedlock, K.Shalu Brielle was born on 23.07.2019. The matrimonial relationship between the petitioner and the second respondent came under strain. However, legal notices have been exchanged between the parties. The same is yet to culminate into formal proceedings for dissolution of the marriage. At this stage, the petitioner applied for issuance of passport for the child. The first respondent insisted that the petitioner must either obtain consent from the second respondent or an order from the jurisdictional Court. In this background, this writ petition has been filed.

3. It is seen from the postal endorsement that the father of the child has already left India. The custody of the child is with the mother. The child is presently studying in Kavina International School, Paramakudi. I am satisfied that the petitioner made out a case for issuance of direction. The first respondent is directed to process the petition mentioned application as



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expeditiously as possible and issue passport in favour of the child without insisting consent on or No Objection endorsement from the second respondent herein.

4. The Writ Petition is allowed. No costs.

12.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

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12.08.2024