



W.P(MD)No.24452 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24452 of 2024

J.Usharani

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Claret Plaza, Melakkal Main Road,
Kochadai, Madurai.

2.The Inspector of Police,
Oomachikulam Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue a passport to the petitioner's daughter named Minor U.G.Dhanshika accepting the petitioner's declaration given in Annexure 'C' of her daughter's passport application, considering her passport application No.MD1066596232924 ARN:24-1006539767, dated 29.05.2024.

For Petitioner : Mr.R.Sevugaraja

For R1 : Mr.T.Mahendran,
Standing Counsel

For R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)



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ORDER

The petitioner seeks a direction to the respondents to issue passport to her daughter, namely, Minor U.G.Dhanshika by accepting her declaration given in Annexure 'C' of her daughter's passport application.

2.Earlier, when the very same petitioner has filed W.P.(MD)No.2889 of 2022, seeking issuance of passport to her first daughter, this Court, vide order dated 2889 of 2022, has passed the following order:-

“Heard the learned counsel appearing for the writ petitioner and the learned Assistant Solicitor General of India appearing for the first respondent.

2.Though notice has been served to the second respondent and his name is printed in the cause list, he has not entered appearance.

3.The writ petitioner got married to the second respondent on 10.09.2009. A child, by name, Harini was born through the wedlock on 11.10.2011. Subsequently, the marital relationship between the writ petitioner and the second respondent came under strain. The second respondent has filed H.M.O.P.No.5 of 2022 at Sub Court, Sankarankovil for restitution of conjugal rights. The petitioner had already initiated proceedings against the second respondent. In the meanwhile, the petitioner wants to obtain passport for her minor child. As per the



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relevant guidelines, the consent of the biological parent is required or in default, order from the jurisdictional Court is required. I cannot fault in the stand taken by the first respondent.

4.The child is with the writ petitioner. The petitioner only wants issuance of passport for the child. Since the second respondent has not chosen to appear before this Court to oppose the prayer, I direct the first respondent to process the petition mentioned application and issue passport to the child of the writ petitioner subject to the fulfillment of the usual formalities except insisting on consent from the biological father. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed on these terms. No costs.”

3.In view of the above, this Writ Petition is allowed with a direction to the 1st respondent to consider the application of the petitioner and issue passport to her daughter within a period of six weeks from the date of receipt of a copy of this order. No costs.

19.10.2024

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

Yuva



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N.SATHISH KUMAR, J.

Yuva

To

- 1.The Passport Officer,
Regional Passport Office,
Claret Plaza, Melakkal Main Road,
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- 2.The Inspector of Police,
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