



W.P.(MD)No.27203 of 2024

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Dated : 06.12.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.27203 of 2024

Minor Harshithkalyan
Rep. By Mother and Guardian
Mrs.Suriya

... Petitioner

Vs.

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

2.The Passport Officer,
Passport Seva Kendra,
Melakkal Main Road,
Kochadai,
Madurai – 625 016.

3.K.M.Navaneethakrishnan

4.The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
(R4 is suo motu impleaded vide
Court order dated 15.11.2024 in
W.P.(MD)No.27203 of 2024 by LVGJ)

5.The Superintendent of Police,
Sivagangai District.
(R5 is suo motu impleaded vide
Court order dated 03.12.2024 in
W.P.(MD)No.27203 of 2024 by LVGJ)

... Respondents



W.P.(MD)No.27203 of 2024

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent nos.1 and 2 to re-issue passport to the minor petitioner Harshithkalyan in Passport Application No.ARN:24-1012229017.

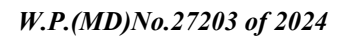
For Petitioner : Mr.D.Malaichamy
For Respondents 1 & 3 : Mr.C.Rajaram
Government Advocate
For 3rd Respondent : Mr.T.Lenin Kumar
For Respondents 4 & 5 : Mr.K.Gnanasekaran
Government Advocate (Crl.)

ORDER

This Writ Petition is filed, seeking to direct the respondents 1 and 2 to issue passport to the minor boy.

2.Heard the learned counsels on either side and carefully perused the entire materials available on record.

3.The petitioner's mother married the third respondent on 22.05.2013. In view of the indifference which crept in the matrimonial life of the mother and the father, the third respondent filed a petition for divorce in H.M.O.P.No.652 of 2022 before the Family Court, Madurai. The petitioner's mother filed H.M.O.P.No.876 of 2021, seeking restitution of conjugal rights against the third respondent before the Family Court, Madurai. Both the cases are pending as on today. The petitioner possessed an Indian passport No.P3809939, which was issued on



4. When the matter was taken up for hearing, the learned Standing Counsel appearing for the respondents 1 and 2 on instructions submitted unless and until the Annexure - C is produced by the petitioner's father, the petitioner's application for re-issuance of passport cannot be considered. If both the parents together make their acknowledgement for re-issuance of passport by submitting Annexure - D, the petitioner's



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application for re-issuance of passport would be considered.

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5.Recording the said submission, this Court passed an order on 03.12.2024, *suo motu* impleading the fifth respondent and directing the fifth respondent to produce the third respondent before this Court. On appropriate intimation from the fifth respondent Police, the third respondent made his submission today before this Court, when the matter came up for hearing through his Advocate.

6.The learned counsel for the third respondent submitted that the third respondent has no objection in the matter of re-issuance of the passport to his minor son. He is also prepared to sign in any required form for the said purpose.

7.Recording the aforesaid submission, this Court hereby direct the respondents 1 and 2 to process the already pending application ARN: 24-1012229017 made by the petitioner without insisting on consent from the petitioner's father and issue passport to the minor. In the instant case, the 1st respondent can only insist upon Annexure - C, for which consent of the separated spouse of the mother of the minor is unwarranted.



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8. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

06.12.2024

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

To

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2. The Passport Officer,
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L.VICTORIA GOWRI, J.

Mrn

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