

03-03-2025
Item No.12 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.30858 of 2024

Shrikant Saboo

-vs-

Union of India & Ors.

Mr. Jishnu Chaudhary, Sr. adv.
Mr. Shailendra Jain, adv.
Ms. Farhan Ghaffar, adv.
Mr. Ankit Chaturvedi, adv. ...for the petitioner

Mr. Asok Kumar Chakrabarti, Sr. Adv. ASGI
Mr. Kumar Jyoti Tewari, Sr. adv.
Ms. Amrita Pandey, adv. ...for the Union of India

Mr. Billwadal Bhattacharyya, Sr. adv.
Mr. Anis Kumar Mukherjee, adv.
Mr. T. Pramanick, adv....for respondents no.6 & 7

1. The petitioner is aggrieved by the act of the passport authority in not mentioning his name in the passport, as father, issued in favour of his children.
2. The wife of the petitioner being the mother of the seventh respondent, who has by now attained majority, applied for obtaining passport in favour of her two children, but did not mention the name of her husband as father of their children in the application form filed by her. The passport authority scrutinized the documents and found the same to be in order and has issued passport in favour of the children of the petitioner.
3. Learned counsel for the petitioner submits that the passport authority is legally bound to incorporate the name of the father in the

passport.

4. Reliance has been placed on the Passports Act, 1967 and the rules framed thereunder.
5. Learned Additional Solicitor-General of India appearing for the Union of India has rebutted the claim of the petitioner and has submitted that the mother applied for issuance of passport in favour of the minor children without disclosing the name of her husband and that there is provision for issuance of passport in the name of a single parent. It has been submitted that there is no mandatory requirement for incorporating the names of both the parents in the passport and, more particularly, when the custody right has been given in favour of one of the parents.
6. In the instant case, the custody of the children is with the mother and, accordingly, name of their father has not been recorded in the passport.
7. Reliance has been placed by the ASGI in the judgment delivered by the Hon'ble Supreme Court in the matter of **ABC v. State (NCT of Delhi)** reported in **(2015) 10 SCC 1**.
8. Learned advocate representing the private respondents submits, upon instruction that, the relationship between the petitioner and his wife is acrimonious and the children are all along in the custody of the mother.
9. Upon hearing the parties it appears that admittedly, in the instant case, the relationship between the petitioner and his wife is strained. There are several litigations pending between them. The children are in the custody of the mother, who as an applicant, has applied for issuance of passport in favour of her two children. The authority found the application in order has

issued the passport in favour of the children. The Court does not find any illegality on the part of the respondent authority in not recording the name of the father of the children in the passport.

10. Hence, no relief can be granted in favour of the petitioner as sought for.
11. The writ petition stands dismissed.
12. Instructions forwarded by the Union of India be taken on record.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]