



W.P.(MD)No.5235 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5235 of 2025

Minor J.Darissa Carmelyn,
Represented by Her Mother and Natural Guardian,
Mrs.Uthaya, D/o.Mr.Joseph,
Now Residing at Door No.12/280,
Tower City,
Asaripallam Junction,
Aloor,
Kanyakumari District.

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
Madurai,
Tamil Nadu.

2.M.Johny Sathees Kumar

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue a passport to the petitioner viz. Minor J.Darissa Carmelyn, without insisting to produce the consent of the father / second respondent, within a reasonable time stipulated by this Court.



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For Petitioner : Mr.N.Dilip Kumar

For R1 : Mr.M.Karthikeya Venkitachalapathy
Central Government Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel for the first respondent.

2. The petitioner, Uthaya, got married to one M.Johny Sathees Kumar / the second respondent herein on 18.01.2013. A female child, by name, J.Darissa Carmelyn, was born on 16.07.2014. The marital relationship between the parties had suffered a break down and they are now living separately. The child is with the mother. I.D.O.P.No.339 of 2023 filed by the second respondent, seeking divorce before the file of the Principal District Court, Chengalpattu and M.C.No. 91 of 2022 filed by the petitioner before the Family Court, Nagercoil, Kanyakumari District, are pending.

3. It is admitted that the second respondent herein has not filed any petition seeking custody of the minor child. All that, the petitioner wants passport to her



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minor daughter. Since the first respondent may insist on consent from the second respondent, the present Writ Petition came to be filed.

4. The learned counsel for the petitioner drew my attention to the relevant guidelines and contends that if there is no prohibitory order from the matrimonial Court, consent of the spouse need not be insisted upon.

5. I therefore direct the first respondent to process the petition mentioned application without insisting on consent from the second respondent. The first respondent shall issue passport, as sought for by the petitioner for the minor daughter. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

NCC : Yes / No

27.02.2025

Index : Yes / No

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Note:- Issue order copy on 27.02.2025.

To:-

The Regional Passport Officer,
Regional Passport Office,
Madurai,
Tamil Nadu.



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VIVEK KUMAR SINGH, J.

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