



W.P.(MD).No.6782 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6782 of 2025
and
W.M.P.(MD)No.5063 of 2025

V.Ramakrishnan

... Petitioner

-VS-

1. The Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi - 110 001.
2. The Ministry of External Affairs,
Represented by its Foreign Secretary,
B Wing, Jawaharlal Nehru Bhawan,
23-D, Janpath,
New Delhi - 110 001.
3. The Ministry of Overseas Indian Affairs,
Represented by its Secretary,
Government of India,
Akbar Bhavan,
Channakiyapuri,
New Delhi - 110 021.



W.P.(MD).No.6782 of 2024

WEB COPY

4. The Honourable First Secretary,
Embassy of India,
2107 Massachusetts Avenue,
Nw Washington, Dc 20008.

5. The District Collector,
Collectorate Campus,
Tirunelveli District.

6. The Regional Passport Officer,
Office of the Regional Passport Officer,
Tirunelveli District.

7. P.Thirumalai Nambi Doss

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent Nos.1 to 4 to cancel the Passport issued to Petitioner's daughter bearing No.U8836656 and re-issue a passport to Petitioner and her two infant children and consequently direct the Respondents 1 to 4 to permit and facilitate smooth departure from Texas, United States of America to her Home Place at Tirunelveli.

For Petitioner : Mr.M.Mahaboob Fazil

For Respondent : Mr.K.Sankararaman (R1 to R4 & R6)

Central Govt. Standing Counsel

Mr.K.S.Selva Ganesan (R5)

Addl. Govt. Pleader



WEB COPY



W.P.(MD).No.6782 of 2024

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 4 to cancel the passport issued to the petitioner's daughter bearing No.U8836656 and re-issue a passport to the petitioner and her two infant children and also to direct the respondents 1 to 4 to permit and facilitate smooth departure from Texas, United States of America to her Home Place at Tirunelveli.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Considering the nature of the order going to be passed in this writ petition, notice to the seventh respondent is dispensed with.

3. Due to dispute, the divorce proceedings are prevailing between the petitioner's daughter and her husband, who are living in USA. Hence, the petitioner wanted to bring back his daughter along with her twin children to India. In view of the same, the petitioner made a representation to the official respondents on 17.02.2025 seeking the aforesaid relief. Since the said representation was not considered, the petitioner has filed the present Writ Petition.



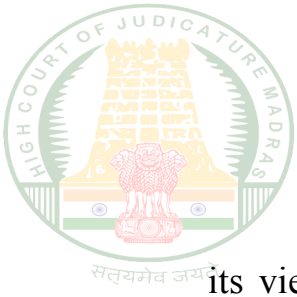
W.P.(MD).No.6782 of 2024

WEB COPY

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. At this juncture, the learned standing counsel appearing for the respondents, would submit that the petitioner may give a fresh representation to the fourth respondent and the same shall be considered by the fourth respondent.

6. In the light of the above observations, there shall be a direction to the petitioner to make a fresh representation to the fourth respondent and on receipt of the same, the fourth respondent is directed to consider the said representation on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of such representation. It is also made clear that this Court has not expressed any of



W.P.(MD).No.6782 of 2024

WEB COPY

its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.04.2025

NCC : Yes/No
Index : Yes / No
sm



WEB COPY



W.P.(MD).No.6782 of 2024

VIVEK KUMAR SINGH, J.

sm

TO:-

1. The Honourable First Secretary,
Embassy of India,
2107 Massachusetts Avenue,
Nw Washington, Dc 20008.
2. The District Collector,
Collectorate Campus,
Tirunelveli District.
3. The Regional Passport Officer,
Office of the Regional Passport Officer,
Tirunelveli District.

Order made in
W.P.(MD)No.6782 of 2025

Dated:
03.04.2025