



W.P(MD)No.24403 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.24403 of 2025

Anitha

..Petitioner

Vs

The Regional Passport Authority,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
W4VR+56W, Bharathi Ula Road,
Near Thamaraitthotti Bus stop,
K.K.Nagar, Ramanod reserve Line,
Madurai – 625 002.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondent to issue passport to the petitioner's minor daughter Dhanashree in furtherance by processing the passport application reference number :25-1058427737 dated 06.08.2025 and on basis of the petitioner's representation dated 21.08.2025.

For Petitioner : Mr.R.Monoharan

For Respondents : Mr.A.Balaji
Central Govt. Standing Counsel



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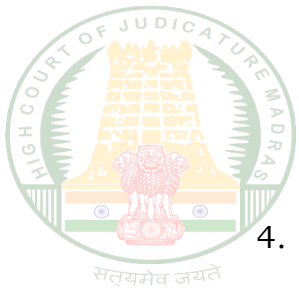
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ORDER

The petitioner seeks a direction to the respondent to issue passport to her minor daughter Dhanashree in furtherance by processing the passport application reference number :25-1058427737 dated 06.08.2025 and on basis of the petitioner's representation dated 21.08.2025.

2. Mr.A.Balaji, learned Central Government Standing Counsel, takes notice for the respondent. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel for the petitioner submits that the marriage between the petitioner and her husband was dissolved by a judgment and decree in C.M.A. (MD) No. 273 of 2017. The petitioner has one female child. Her husband is presently confined in prison and has not been granted any visitation rights. In the meantime, the petitioner applied for a passport for her daughter under the reference number mentioned above. In this regard, she also made a representation to the respondent on 21.08.2025. Since the said application and representation have not been considered, the petitioner has filed the present writ petition.



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4. The learned Central Government Standing Counsel appearing for the respondent would submit that the application of the petitioner will be considered in accordance with law.

5. Upon perusal of the affidavit filed in support of the writ petition and the material records of the case, it can be seen that the petitioner is a single parent. Her ex-husband has been confined in prison and there has been no claim for the visitation rights. The question is no longer res integra, such cases of single parents who have not formally obtained any court orders of divorce, etc., have been the subject matter of consideration by various high courts.

6. Recently, the Telangana High Court in the Judgement of **Zaynab Aaliyah Mohamed vs.The Union of India (W.P.No. 25962 of 2024)** considered the earlier judgment of that Court in **L.Deepika vs. Union of India** and the judgement of the Kerala High Court in **Juvairiya Vs. Regional Passport Officer** and in **Chaitanya S.Nair vs. Union of India** and had considered the issue in detail and held that such application that is made by a single parent can also be considered by the passport issuing authorities, provided that the declarations in Annexure C, D, etc., which may be required by them, are filled up and submitted by the single parent. Paragraphs No. 8 to 21 of the said judgment are extracted hereunder: ~

8. From the material on record it is evident that



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Dr.Sana Fatima is a single parent to the extent of having exclusive custody of the minor child. It is also undisputed that the parents of the minor are estranged in view of the pending divorce proceedings before the City Civil Court, Hyderabad. The MB,J only issue which falls for consideration is whether the Office Memorandum of 31.07.2024 can affect the right of the minor child for being considered for issuance of a passport and whether Dr.Sana Fatima (the single parent) has complied with the statutory requirements for processing of the passport applications.

Relevant Statutory Provisions

9. Column 16 in Section III of the Guidelines for filling up of Application Forms under the 1980 Rules provides for cases where a single parent can furnish a sworn affidavit before the Ministry stating the facts of the case along with documentary proof as per Annexure -C-. The relevant part of Column 16 is extracted below:

“...In the NORMAL COURSE the signature/consent of both parents is required for issue of a passport to the minor (Annexure “H”). However, if in case the applicant parent is not in a position to get the consent of the other parent, FOR WHATEVER REASON, the parent applying for the passport of the minor may sign the form and submit a sworn affidavit as per Annexure “G”...”

10. Section IV of the 1980 Rules further provides under (A)(3)(a) that when applying for a minor-s passport a declaration from the single parent/applicant parent, as the case may be, will have to be furnished along with particulars about the minor MB,J child as per Annexure -H-. Annexure -C- would apply for single parents who are separated but not formally divorced and Annexure -G- when the passport is being applied for by the single parent or a legal guardian. Section IV (A)(3)(a) further enumerates the documents which should be filled up in Annexures -C- and -G-, as the case may be. A “Note” to this section provides as follows:

“N.B. ~ Ordinarily the consent of both parents is required for issue of a passport to a minor (below 18 years of age). However if it is absolutely not possible due to any reason, the parent applying for a passport for his/her minor child may submit an affidavit (Annexure “G”) and based on the same passport application will be processed.”

11. Clause 4.8 of the Guidelines relating to issue of passports framed under The Passports Act, 1967 provides as follows:



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“In case one married parent has terminated the relationship with the other parent without a formal divorce, a declaration in the format of Annexure -C- may be accepted from the parent having the custody of the child.”

12. Clause 4.8 was considered by a Division Bench of this Court presided over by the Hon-ble the Chief Justice in W.A.No.239 of 2024 by a judgment dated 02.04.2024 which held that a single parent having custody of a child is entitled to seek renewal of the passport. Neither the 1967 Act nor the Rules contained therein contain any statutory provision that a MB,J single parent cannot maintain an application seeking renewal of the passport.

13. The position under the 1967 Act as well as the 1980 Rules is hence clear. The Act does not prohibit a single parent from applying for a passport for his/her minor child. The 1980 Rules specifically provide for situations where a single parent with exclusive custody of the minor child can apply for a passport without the signature or consent of the other parent. This would be applicable where the parents are separated but without a formal decree of divorce. The only condition is that the parent must furnish information in the prescribed annexure as per the Rules and Guidelines.

14. Further, any interpretation of the 1967 Act or the 1980 Rules with the effect of preventing a single parent from applying for a passport for his/her minor child is patently contrary to the rights of the parent as well as the minor child including those granted under the Constitution of India. It is inconceivable in this day and age that a single parent who is no longer in touch with the other parent of the minor child “for whatever reason”

as Column 16 states would be made to suffer a statutory embargo in applying for a passport for the minor child.

15. The right of a single parent in applying for a passport of a minor child has been considered by several Courts including a Co-ordinate Bench of this Court in L.Deepika (supra). The facts in that case are similar to the facts in the present writ petition where the passport authorities objected to the processing of the passport application submitted by the petitioner without the consent of the other parent. Like in the present case, a divorce application was also pending in L.Deepika. The Court considered Juvairiya Vs. Regional Passport Officer 2 and Chaitanya S.Nair Vs. Union of India 3 and held that the objections raised by the passport authorities were



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contrary to the Passport Rules, 1980 and hence they are liable to be set aside. The passport authorities were accordingly directed to consider the application submitted by the petitioner for issuance of passport to the petitioner-s minor son.

16. In the present case, there is a pending divorce proceeding between the petitioner-s mother and the respondent No.3/father. The respondent No.3 has opted for citizenship of 2(2014) 1 ALT 990 3WP(C)No.22555 of 2021 dated 08.03.2022 MB,J the United States of America and the Court is informed that presently there is no contact between the petitioner and the respondent No.3.

17. Although, not relevant to the issue at hand, there is no criminal case pending against the petitioner-s mother/Dr.Sana Fatima. The respondent No.3 has also not filed for custody or guardianship of the minor child. More importantly, the petitioner has already filed declarations in Annexures -C- and -D- and all required documents with the said Annexures. Annexure -C-, which is part of the writ petition includes a declaration pertaining to the ongoing Court case as well as the fact that there is no order prohibiting issuance of passport to the minor child without the consent of the respondent No.3. Annexure -C- also declares that the petitioner has been deserted by the respondent No.3 and that the minor child is under the exclusive care and custody of the mother/Dr.Sana Fatima.

18. The Office Memorandum (-OM-) dated 30.07.2024 which the learned Deputy Solicitor General of India relies on does not assist the case of the respondents and cannot be an impediment for granting relief to the petitioner. First, the OM relates to “re~ issue“ of passports to minor children. Second, Clause 3(c)(iii) of MB,J the OM deals with the effect of the parent of the minor child having acquired citizenship of another country and the consequent effect of such on a child. Third, Clause 4 also deals with the citizenship of the minor where one of the parent renounces citizenship and the other parent continues to hold Indian citizenship and the custody of the child is given to one of the parents with or without divorce. None of these clauses apply to the issue at hand, namely, whether a single parent can apply for passport of a minor child.

19. Most importantly, the OM, even if applicable cannot replace The Passports Act, 1967 and the 1980 Rules framed thereunder which specifically takes those



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cases into account where a single parent is entitled to apply for a passport for his/her minor child without the consent or signature of the other parent, subject to furnishing of the prescribed Annexure.

20. Column 16, as stated above, highlights that if a single parent/ applicant is not in a position to obtain the consent of the other parent “for whatever reason“, the applicant~parent may complete the necessary formalities in aid of the application. The fact that the respondent No.3 has acquired American citizenship does not make the case different from the one MB,J provided in Column 16 or a departure thereunder. “For whatever reason“ attracts every conceivable situation and the respondent No.3 becoming an American citizen cannot and does not render Column 16 inapplicable to the facts of the present case.

21. The above reasons are sufficient for the Court to allow the writ petition and grant the relief prayed for.?

7. In view thereof, this writ petition deserves to be allowed on the following terms:~

(i) The petitioner shall appear before the respondent authority on 17.09.2025 or on any other date subsequently notified by the said authority;

(ii) The petitioner shall submit such affidavits and annexures as may be required by the authorities in terms of the aforementioned judgment.

(iii) Upon furnishing the same, de hors the fact that the petitioner-s husband has not signed the passport application, the application for the issue of the passport shall be considered by the respondent and the passport shall be issued in favor of the petitioner?s daughter, Dhanashree;



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(iv) The said exercise shall be completed within a period of two weeks from the date of the petitioner's appearance and execution of documents before the respondent authority. No costs.

10.09.2025

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

To

The Regional Passport Authority,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
W4VR+56W, Bharathi Ula Road,
Near Thamaraihotti Bus stop,
K.K.Nagar, Ramanod reserve Line,
Madurai – 625 002.



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P.T.ASHA, J.

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