



W.P.(MD)No.31145 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.11.2025

CORAM:

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.(MD).No.31145 of 2025

Beer Fathima

... Petitioner

Vs.

The Regional Passport Officer,
Madurai Region,
Claret Plaza, Melakkal Main Road,
Kochadai,
Madurai - 625016.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondent to issue a fresh passport to the petitioner's Minor Daughter Namely Niha Zarin D/o.Allah Pitchai aged about 4 years, by considering the petitioner's Application Reference No.25-1062080009 and File No.MD1065726937425 dated 06.10.2025 and petitioner's representation dated 24.10.2025.

For Petitioner : Mr.S.Balaji

For R1 : Mr.M.Mithun
Central Government Standing Counsel



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ORDER

This writ petition has been filed directing the Respondent to issue a fresh passport to the petitioner's Minor Daughter Namely Niha Zarin D/o.Allah Pitchai aged about 4 years, by considering the petitioner's Application Reference No.25-1062080009 and File No.MD1065726937425 dated 06.10.2025 and petitioner's representation dated 24.10.2025.

2. Mr.M.Mithun, learned Central Government Standing Counsel takes notice on behalf of the respondent.

3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The facts as set out in the affidavit filed in support of the writ petition reads as follows:-

The petitioner would submit that she is married to one Allah Pitchai through whom a daughter namely Niha Zarin was born on 16.12.2021. The petitioner is the second wife of her husband and her husband was already



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married to one Jasmine Barveen on 30.06.2013 and the marriage was dissolved on 28.09.2017 before the Melur Jamath. Thereafter, the marriage with the petitioner was solemnized on 30.06.1990. It is also registered with the Melur Jamath.

5. The petitioner would submit that both she and her husband have got passport which is valid till 2035 and therefore, she had applied for a passport in the name of her minor daughter namely Niha Zarin through online portal on 24.09.2025. The appointment was given on 06.10.2025 at 11.15 A.M. and the petitioner and her husband had appeared in person along with their minor daughter with all the relevant document. Since the petitioner's husband's passport still reflects the name of the first wife, she was orally informed to get orders from the Court for issuing passport in the name of the petitioner's minor and therefore, the petitioner is before this Court.

6. Heard the learned counsel on either side.



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7. The marriage between the petitioner and her husband had taken place on 30.06.2019, after the divorce between him and his first wife on 28.09.2017. The minor child is born on 16.12.2021, 2 ½ years after the marriage between the petitioner and her husband. The documents like Aadhar card, Voters ID, Birth Certificate of minor daughter Niha Zarin. The petitioner shows the name of the Allah Pitchai as the husband of the petitioner and father of minor daughter Niha Zarin.

8. The documents evidencing the divorce has been produced by the petitioner and her husband. The marriage as well as the divorce has been recorded in the very same Jamath. Therefore, that the petitioner and her husband are the parents of Niha Zarin has been evidenced by the Birth Certificate. Such being the case, merely on account of the passport of the husband reflecting the name of his first wife cannot be a ground for denying the passport to the minor Niha Zarin.



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9. Therefore, the writ petition is allowed and the 1st respondent is directed to process the representation keeping in mind the above and and issue passport to the petitioner's daughter namely Niha Zarin within a period of three (3) weeks from the date of receipt of a copy of this order. No costs.

03.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.T.ASHA, J.

rgm

To

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