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W.P.No.3435 of .

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 3435 of 2026

(Minor) A. Kelly Eliana

Rep. By Her Natural Guardian (Mother)

Ms. Steffi Selvamary,

W/o. Arun Abraham,

No.29, Krishnapuram,

Choolaimedu,

Chennai - 600 094

...Petitioner

Vs.

1.The Union of India

Rep. by its Secretary, Ministry of External Affairs

Sri Lakshmi Narain SO (DB)

74 B, South Block,

New Delhi - 110 011.

2. The Regional Passport Officer

Navins Presidium

No, 103, Nelson Manickam Road

Aminjikarai,

Chennai - 600 029

...respondents



W.P.No.3435 of.

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 2nd respondent to renew the petitioner's passport bearing No. P 9185359 vide her application in File No.MA2076264775026 pending on the file of 2nd respondent accepting the signature of the petitioner's mother within a stipulated period of time as fixed by this Court.

For Petitioner : Mr. R.Balaramesh

For respondents : Mr. K.Gangadaran
Central Government Counsel.

ORDER

This writ petition is filed for the following relief:

“To direct the 2nd respondent to renew the petitioner's passport bearing No. P 9185359 vide her application in File No.MA2076264775026 pending on the file of 2nd respondent accepting the signature of the petitioner's mother within a stipulated period of time as fixed by this Court”



W.P.No.3435 of .

WEB COPY

2. The petitioner's parents i.e., Steffi Selvamary and Arun Abraham were married in the year 2012 at C.S.I St. Paul's Church, Chennai, following christian rites and rituals. Out of this wedlock, they were blessed with two children, one of which is the petitioner herein. The petitioner's parents fell out and had got separated. They had filed a petition for mutual divorce in OP.No.2866 of 2024, on the file of the II Additional Principal Family Court, Chennai. By order dated 01.10.2024, the mutual divorce petition was ordered.

3. The petitioner would submit that though in the petition for mutual consent the parties had agreed that the petitioner's father should be granted visitation rights, he had however exercised the same only for one occasion. Thereafter, the petitioner's father had left India for Dubai and has not contacted his children. The petitioner is in the care and custody of her mother.

4. The petitioner would further submit that she has now been selected for an educational tour to NASA, which is scheduled in the



W.P.No.3435 of.

month of September 2026, for which an advance payment was also made on 15.01.2026.

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5. It is the case of the petitioner that her passport expired in the month of April 2022 and her mother had submitted an application for renewal with all the requisite documents. However, the 2nd respondent is putting the application on hold stating that consent of the petitioner's father is required and therefore the petitioner is before this Court.

6. The learned Central Government Counsel would submit that visitation rights had been granted to the petitioner's father and that apart in Annexure - C of the application, the mother has ticked clause (2) (d), which indicates that supporting documents for this category is Court order, consent of parents having visitation rights.

7. He would further state that visitation rights granted to the petitioner's father has been reiterated in the affidavit filed in support of this writ petition. Therefore, he objected for issuance of mandamus to the petitioner.



W.P.No.3435 of .

WEB COPY

8. Heard the learned counsels on either side and perused the records.

9. A perusal of the order in OP.No.2866 of 2024, passed by the learned II Additional Principal Family Judge, Chennai, would indicate that visitation rights have been mentioned only in the portion of the petition extracted in the order. However, in the operative portion of the order except for dissolving the marriage by mutual consent no other terms have been mentioned.

10. Further, even assuming that a visitation rights have been granted, the affidavit filed in support of this writ petition would read that except for one occasion, the father has not contacted his children.

11. A perusal of the records would further show that the petitioner's mother has been sending e-mails and whatsapp messages to the petitioner's father requesting him to give his consent. To none of these communications has there been any reply. That apart, the father



W.P.No.3435 of .

has not issued any letter / Court order to forebear the respondents from renewing the passport of the petitioner.

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12. The petitioner has been selected to visit NASA which is a prestigious recognition given to the petitioner. That the petitioner is in custody of the mother is clearly evident from the fact that it is the mother who is taking care of the children.

13. This Court had an occasion to consider a similar case in ***WP(MD).No.24403 of 2025***. Relying upon the judgements of the Telengana High Court in ***Zaynab Aaliyah Mohamed and L.Deepika Vs. The Union of India*** and the judgement of the Kerala High Court in ***Chaitanya S.Nair Vs. Union of India***, this Court has held as follows:

“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;



W.P.No.3435 of .

(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, dehors 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;

(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.

14. In these circumstances, this writ petition is allowed. The 2nd respondent is directed to renew the passport of the petitioner, within a period of 4 weeks from the date of receipt of a copy of this order, after



W.P.No.3435 of.

obtaining an affidavit from her to the effect that the minor's father does not have an order for visitation of the minor and that he has not visited the minor after the first visit. No costs.

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W.P.No.3435 of .

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