



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

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THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN

WP No. 20728 of 2026

Minor Eshaan Kanna Sudar Kumar
Rep. by its Mother and Natural
Guardian, Abirami Manoharan, W- 162
PArk Road Anna Nagar, Western
Extension, Chennai 101

Petitioner(s)

Vs

1. The Regional Passport office
Chennai
Royala Towers, No.2 and 3, IV Floor,
Old No. 785 New No. 158 Anna Salai,
Chennai 02

2.Sudar Kumar Kannan Jayakumar
No. 40 , 1st Avenue, Sastri Nagar,
Adyar, Chennai 20

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, directing the 1st respondent to re-issue the passport in Application No. 26- 1058441843 on or before 1.06.2026 of the petitioners minor Son Eshaan Kanna without insisting on the consent of the father the 2nd respondent

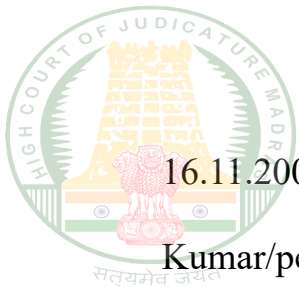
For Petitioner(s): Mr. D.Prabhu Mukunth Arunkumar

For Respondent: Mr.K.Gangadharan for R1
Central Government Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel for R1. Notice to the second respondent is dispensed with.

2. One Abirami Manoharan got married to the second respondent on



16.11.2007 and through the said wedlock, Eshaan Kanna Sudar Kumar/petitioner was born, he is presently aged about 17 years, he wants to proceed to Netherland for higher studies, the minor is already having a passport in his name, the validity of petitioner's passport is to expire shortly, hence, he requires re-issuance, for such re-issuance, the first respondent insisting on the consent from the second respondent. Hence, the writ petition has been filed to direct the first respondent to reissue the passport without insisting on such consent.

3. It is seen that petition filed by the second respondent against Abirami Manoharan for restitution of conjugal rights was dismissed on 16.04.2025. Copy of such order made in OP.No.810 of 2019 on the file of the learned I Additional Family Court at Chennai has been enclosed in the typedset of papers, Abirami Manoharan filed M.C.No.328 of 2018 obtained maintenance for Eshaan Kanna as well as other other daughter vide order dated 18.07.2024 on the file of the learned I Additional Family Court, Chennai. The father filed OP.No.781 of 2018 for guardianship. The matter was compromised and vide order dated 24.03.2025 in OP.No.781 of 2018, the custody was given to the mother, the second respondent/father has also given no objection. Taking into account of all these aspects, I am of the view that the petitioner's request for re-issuance of passport can very well be granted without insisting on the father's consent.

4. My attention is drawn to the order dated 27.03.2024 made in *WP*.



(MD).No.6427 of 2024 (Minor B.Bebin Marx Durai Nadar vs. The Regional Passport Officer and another). The said order reads as follows:-

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“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 son. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.”

5. I am inclined to adopt the very same approach in this case also. I direct the first respondent to re-issue the passport to the petitioner without insisting on the consent of the second respondent. Accordingly, this writ petition is allowed. No costs.

6. It appears that the reissued passport has to be uploaded by the evening on 01.06.2026. The learned Central Government Standing Counsel for R1 is directed to communicate the direction without waiting for the certified copy so that the formalities can be complied on Friday and Monday and the petitioner can receive the passport in person on the evening of Monday.

27-05-2026

dhk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Issue Order Copy on 29.05.2026

To



WP No. 20728 of 2026



The Regional Passport office Chennai
Royala Towers, No.2 and 3, IV Floor,
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G.R.SWAMINATHAN J.

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