



WP(MD). No.2119 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02/03/2026

CORAM

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

WP(MD). No.2119 of 2026
and WMP(MD)No.1681 of 2026

Shafny Reshiah

... Petitioner

Vs

1. The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Office, Bharathi Ula,
Race Course Road, Madurai 625 002..

2. Roy Prince

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned letter bearing letter reference No.FCI/1052615684/25 dated 06.12.2025 and quash the same as illegal and consequently direct the 1st respondent to process and issue passport by considering the application of Katriel Roy peter bearing file number MD4077218452924 based on the declaration submitted by the petitioner within a time frame as ma be stipulated by this Hon'ble court

For Petitioner : Mr.P.T.Ramesh Raja,
For R1 : Mr.A.Veluchamy,
CGSC



WP(MD), No.2119 of 2026

ORDER

WEB COPY

This Writ Petition has been filed seeking issuance of a writ of certiorarified mandamus to call for the records relating to the communication dated 06.12.2025 issued by the first respondent and to quash the same, and consequently direct the first respondent to process the petitioner's application for issuance of a passport in favour of the petitioner's minor son.

2.The petitioner and the second respondent are legally wedded husband and wife. However, it is stated that there is a strained relationship between them. A petition in GWOP No.725 of 2025 has been filed before the jurisdictional Court seeking custody of the minor son and the same is pending adjudication. The petitioner had submitted an application before the first respondent seeking issuance of a passport in favour of the minor son. However, by the impugned communication dated 06.12.2025, the petitioner has been called upon to furnish the consent of both the parents, namely the petitioner and the second respondent, for



WP(MD), No.2119 of 2026

issuance of the passport to the minor child.

WEB COPY

3. The learned counsel for the petitioner placed reliance on the decision of a Co-ordinate Bench of this Court in W.P.(MD) No. 20823 of 2024 dated 14.11.2024, wherein at paragraph No.7 it has been observed that guidelines have been issued regarding the procedure to be followed in cases where the consent of both parents cannot be obtained for issuance of a passport to a minor child. As per the said guidelines, if the applicant parent files an affidavit in the form prescribed in Annexure 'C' of Schedule III of the Passport Rules, 1980, the Passport Issuing Authority can issue a passport to the minor child without insisting upon the consent of both the parents. It has further been held that even if one of the parents refuses to give consent, the Passport Authority is bound to process the application and issue the passport to the minor, provided the affidavit in Annexure 'C' is submitted.

4. In the light of the above decision, this Writ Petition is



WP(MD), No.2119 of 2026

disposed of with a direction to the first respondent to consider the petitioner's application for issuance of a passport to the petitioner's minor son without insisting for the consent of Respondent No.2 , and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

5. It is stated by the petitioner that the minor son is presently in the custody of the petitioner. However, the petitioner shall abide by any order that may be passed by the jurisdictional Court in the pending proceedings in GWOP No.725 of 2025 relating to the custody of the minor child.

6. Accordingly, this Writ Petition stands disposed of. No costs.

02.03.2026

CM

To,

4/6



WP(MD), No.2119 of 2026

The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Office, Bharathi Ula,
Race Course Road, Madurai 625 002..



WEB COPY



WP(MD), No.2119 of 2026

HEMANT CHANDANGOUDAR,J

CM

ORDER
IN

WP(MD) No.2119 of 2026
and WMP(MD)No.1681 of 2026

Date : 02/03/2026