

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA, 1943

WP(C) NO. 5284 OF 2022

PETITIONER:

SHINY SHUKOOR
AGED 51 YEARS
D/O.M.M.MUSTAFFA, RAMADAN MANZIL,
VETTIMUKAL P.O., ETTUMANOOR,
KOTTAYAM DISTRICT, PIN-686 631

BY ADVS.
S.RANJIT (KOTTAYAM)
GOKUL DAS V.V.H.

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ASSISTANT SOLICITOR GENERAL OF INDIA,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 032.
- 2 REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE COCHIN BUILDING,
PANAMPILLY NAGAR, COCHIN, ERNAKULAM, PIN-682 036
- 3 ASSISTANT PASSPORT OFFICER,
PASSPORT SEVA KENDRA, KOTTAYAM,
4 SQUARE PLAZA, M.C.ROAD, OPP. MAHADEVA TEMPLE,
NAGAMPADAM, KOTTAYAM, PIN-686 001

BY ADV.SRI.MANU S., ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This is a classic case of highhandedness at the hands of Assistant Passport Officer in raising objections for re-issuance of the passport by a single parent facing a matrimonial discord directing them to approach the court and obtain the court order. The aforementioned fact is recorded in Ext.P6 communication dated 20.1.2022 which reads as under :

"Single parent case. Pl. process with change of name docs and hold for F's consent in D or court order. (Child's custody not mentioned in divorce order.)"

2. Learned counsel for the petitioner submits that the petitioner is already divorced and is a single parent and Ext.P2 copy of the divorce had already been supplied. But despite that the aforementioned noting was put by the Passport Officer. There is already a form Annexure 'C' Ext.P5 enclosed with the passport form which had already been filled by the petitioner giving an undertaking that the entire responsibility would be of her as there is already an order of divorce. But despite that the objections have been raised.

3. It is submitted on behalf of the ASGI that during the pendency of the writ petition, respondents have processed the

application of the petitioner on 22.2.2022 and the passport shall be reissued in the name of the minor child namely, Smt.Sumayya, D/o.Shiny Shukoor.

4. This Court has come across similar litigation day in and day out whereby the petitioners/applicants for re-issuance of passport particularly either of the parent who is facing the matrimonial discord or there is already a separation, are compelled to approach this Court for appropriate order, despite filling the form Annexure 'C'. The officers at the helm of affairs exercising the powers for issuing the passport are supposed to deal with the application in a pragmatic and reasonable manner, but should not reject the application in the manner and mode as extracted above. Knowing fully well that this Court would have expressed concern with regard to the spate of litigation and may come down heavily on the action of the respondents, in anticipation of that processed the application of the petitioner, but for redressal of the grievance, is impelled to shell out litigation expenses.

5. In view of the statement made on behalf of the Passport Officer that the application has been processed and passport shall be issued, this Court is sanguine of the fact that the passport shall

be issued within a period of one week from today. But, it would be subject to the cost of the litigation of Rs.25,000/- to be paid by respondent No.3 from his own salary.

6. This order is also directed to be circulated to all the passport officers who have been raising such type of objections compelling the affected parties to approach this Court for no rhyme and reasons. Copy of the order is directed to be handed over to the ASGI for circulation to all the passport officers.

Writ Petition is disposed of as above.

sd/-

**AMIT RAWAL
JUDGE**

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APPENDIX OF WP(C) 5284/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE RELEVANT PAGES OF THE INDIA PASSPORT BEARING NUMBER R6687676 ISSUED TO THE PETITIONER'S MINOR DAUGHTER
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 23.8.2016 IN OP NO 556/2016 BEFORE THE FAMILY COURT, KOTTAYAM AT ETTUMANOOR
- Exhibit P3 TRUE COPY OF THE PASSPORT APPLICATION FORM SUBMITTED BY THE PETITIONER FOR HER DAUGHTER
- Exhibit P4 TRUE COPY OF THE DECLARATION IN ANNEXURE C SUBMITTED BY THE PETITIONER
- Exhibit P5 TRUE COPY OF THE DECLARATION IN ANNEXURE D SUBMITTED BY THE PETITIONER
- Exhibit P6 TRUE COPY OF THE ONLINE APPOINTMENT RECEIPT BEARING THE ENDORSEMENTS DATED 20.1.2022 MADE BY THE 3RD RESPONDENT
- Exhibit P7 COPY OF THE COMPUTER PRINTOUT REGARDING THE ONLINE APPLICATION STATUS OF EXHIBIT P3 APPLICATION
- Exhibit P8 TRUE COPY OF THE LETTER ISSUED BY THE EL-NASR SCHOOL, CARIO, EGYPT