

HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF MAY  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 13426 OF 2024

Between:

Ayesha Adeeba,

...PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of External Affairs, South Block, New Delhi.
2. The Regional Passport Officer, Regional Passport Office, Ministry of External Affairs, Hyderabad.
3. Sri Syed Mukaram Ali,

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate Writ, Order or direction, preferably a writ in the nature of Mandamus declaring the action of the respondent No.2 in not issuing passport to the petitioner's minor child on the ground that the father of the child i.e. 3rd respondent has not given consent, as being arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently, direct the respondent No.2 to issue passport to the petitioner's minor child Master forthwith, de hors the consent of the 3rd respondent.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.2 to issue passport to the petitioner's minor child forthwith, de hors the consent of the 3rd respondent, pending disposal of the above writ petition.

**Counsel for the Petitioner: SRI P. VENU GOPAL, SENIOR COUNSEL  
REPRESENTING FOR SRI MOHD ABDUL KAREEM**

**Counsel for the Respondent No.1 & 2: SRI GADI PRAVEEN KUMAR,  
Dy. SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.3: - - - -**

**The Court made the following: ORDER**

**THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT PETITION No.13426 of 2024**

**ORDER:**

The Writ Petition is filed with the following prayer:

*"...to issue any appropriate Writ, Order or direction, preferably a writ in the nature of Mandamus declaring the action of the respondent No.2 in not issuing passport to the petitioner's minor child on the ground that the father of the child i.e., 3<sup>rd</sup> respondent has not given consent, as being arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently, direct the respondent No.2 to issue passport to the petitioner's minor child Master Akram Ali Syed forthwith, de hors the consent of the 3<sup>rd</sup> respondent and pass such other order...."*

2. Heard Sri P.Venu Gopal, learned Senior Counsel appearing for Sri Mohd.Abdul Kareem, learned counsel for the petitioner, and learned Deputy Solicitor General appearing for respondent Nos.1 and 2.

3. It is submitted by learned Senior Counsel appearing on behalf of the petitioner that as the petitioner along with her infant child (four months old) viz.,

has to travel abroad to seek consultation for neuro surgery to the petitioner, she made an application for issuance of passport to the said infant child and that the Regional Passport Officer by order dated 10.04.2024 has issued a communication raising the following two issues:

“1. Therefore, you are requested to furnish consent from the father along with his presence.

(Alternatively)

2. Permission from the court to issue passport to the minor child without the consent of the other parent.”

4. During the course of hearing, learned Deputy Solicitor General appearing for respondent Nos.1 and 2 has brought to the notice of this Court that in similar circumstances this Court has passed an order dated 15.04.2024 in W.P.No.9481 of 2024 and fairly submits that the passport for the infant child can be issued.

5. Having perused the order dated 15.04.2024 passed in W.P.No.9481 of 2024, this Court is of the opinion that in similar circumstances passport was directed to be issued.

6. In view of the same, this Court is not inclined to deviate from the order passed in W.P.No.9481 of 2024 since it is squarely applicable to the facts of the present case. Hence, the authorities are directed to issue passport to the petitioner's infant child *viz.*, immediately, *dehors* the consent of respondent No.3.

7. The Writ Petition is accordingly disposed of. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- T.JAYASREE  
ASSISTANT REGISTRAR  
SECTION OFFICER

- To,
1. The Secretary, Ministry of External Affairs, Union of India, South Block, New Delhi.
  2. The Regional Passport Officer, Regional Passport Office, Ministry of External Affairs, Hyderabad.
  3. One CC to SRI MOHD ABDUL KAREEM, Advocate [OPUC]
  4. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GENERAL OF INDIA [OPUC]
  5. Two CD Copies  
BN



HIGH COURT

CC TODAY

DATED:23/05/2024

ORDER

WP.No.13426 of 2024

DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS

(2)

23/5/24  
D.B