



HC-KAR

NC: 2025:KHC:49560
WP No. 23848 of 2025
C/W WP No. 23851 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 23848 OF 2025 (GM-PASS)

C/W

WRIT PETITION NO. 23851 OF 2025 (GM-PASS)

IN WP No. 23848/2025

BETWEEN:

MASTER ABDUL AHAD AZAD
MINOR AGED 3 YEARS,
SON OF MR. MOHAMED SHIHAD,
RESIDING AT FLAT NO. 51072, BUILDING NO.5,
TOWER 1, 7TH FLOOR, PRESTIGE FALCON CITY,
KONANKUNTE, KANAKPURA MAIN ROAD,
BENG-560062.

REPRESENTED BY MRS. AFREEN,
I.E., MOTHER AND NATURAL GUARDIAN OF THE
PETITIONER.

R/A FLAT NO. 51072, BUILDING NO.5,
TOWER 1, 7TH FLOOR, PRESTIGE FALCON CITY,
KONANKUNTE, KANAKPURA MAIN ROAD,
BENG-560062.

...PETITIONER

(BY SRI. NAGARAJ R, ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS,
74B, SOUTH BLOCK, NEW DELHI 110 001,
REPRESENTED BY ITS SECRETARY.





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2. REGIONAL PASSPORT OFFICE,
BENGALURU
MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA, 8TH BLOCK,
80 FEET ROAD, KORAMANGALA,
BENGALURU - 560095,
KARNATAKA, INDIA.
REPRESENTED BY THE REGIONAL PASSPORT OFFICER.

3. MR MOHAMMED SHAHID,
S/O MOHAMMED YOUSUFF SAIT,
AGED ABOUT 33 YEARS,
R/AT FLAT NO.F-01, No.37/1,
BERLIE STREET, LANGFORD TOWN,
INCLOVER HAVEN, BENGALURU-560025
(IMPLEADING APPLICANT)

...RESPONDENTS

(BY SRI.ADITYA SINGH, CGC FOR R1 & R2;
SRI.AMIT MANDAGI., ADVOCATE FOR
SMT.SWATHI MANDAGI, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R2 TO PROCESS THE APPLICATION NO. BN1067494225725 TO RE-ISSUE/ RENEW THE PASSPORT OF THE PETITIONER IN A TIME BOUND MANNER AND PASS ANY OTHER WRIT, ORDER OR DIRECTION AS MAY BE DEEMED JUST AND NECESSARY IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

IN WP NO. 23851/2025

BETWEEN:

MS. INAYAH HAWWA SHAHID
MINOR AGED 7 YEARS,
DAUGHTER OF MR. MOHAMED SHIHAD,
RESIDING AT FLAT NO. 51072, BUILDING NO.5,
TOWER 1, 7TH FLOOR, PRESTIGE FALCON CITY,
KONANKUNTE, KANAKPURA MAIN ROAD,
BENGALURU-560062.

REPRESENTED BY MRS. AFREEN,
I.E., MOTHER AND NATURAL GUARDIAN OF THE
PETITIONER.



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R/A.FLAT NO. 51072, BUILDING NO.5, TOWER 1,
7TH FLOOR, PRESTIGE FALCON CITY,
KONANKUNTE, KANAKPURA MAIN ROAD,
BENGALURU-560062.

...PETITIONER

(BY SRI. NAGARAJ R, ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS,
74B, SOUTH BLOCK, NEW DELHI 110 001,
REPRESENTED BY ITS SECRETARY.
2. REGIONAL PASSPORT OFFICE,
BENGALURU
MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA, 8TH BLOCK,
80 FEET ROAD, KORAMANGALA,
BENGALURU - 560095,
KARNATAKA, INDIA.
REPRESENTED BY THE REGIONAL PASSPORT OFFICER.
3. MR MOHAMMED SHAHID,
S/O MOHAMMED YOUSUFF SAIT,
AGED ABOUT 33 YEARS,
R/AT FLAT NO.F-01, No.37/1,
BERLIE STREET, LANGFORD TOWN,
INCLOVER HAVEN, BENGALURU-560025
(IMPLEADING APPLICANT)

...RESPONDENTS

(BY SRI.H.SHANTHI BHUSHAH, DSGI FOR R1 & R2;
SRI.AMIT MANDAGI., ADVOCATE FOR
SMT.SWATHI MANDAGI, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2 TO
PROCESS THE APPLICATION NO. BN1077494575525 TO RE-
ISSUE/RENEW THE PASSPORT OF THE PETITIONER IN A TIME
BOUND MANNER PASS ANY OTHER WRIT, ORDER OR DIRECTION
AS MAY BE DEEMED JUST AND NECESSARY IN THE FACTS AND
CIRCUMSTANCES OF THE CASE.



THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. In WP No.23848/2025 has been filed by the mother representing the minor son seeking for the following reliefs;

- a. *Issue a direction or an Order, in the nature of writ of mandamus directing the R2 to process the application No. BN1067494225725 to re-issue/ renew the passport of the petitioner in a time bound manner and pass any other writ, order or direction as may be deemed just and necessary in the facts and circumstances of the case.*
- b. *Grant such other and further relief/s as may be just and necessary in the interest of justice and equity.*

2. In WP No.23851/2025 has been filed by the mother representing the minor daughter seeking for the following reliefs;

- a. *Issue a direction or an Order, in the nature of writ of mandamus directing the R2 to process the application No. BN1077494575525 to re-issue/ renew the passport of the petitioner in a time bound manner and pass any other writ, order or direction as may be deemed just and necessary in the facts and circumstances of the case.*
- b. *Grant such other and further relief/s as may be just and necessary in the interest of justice and equity.*



3. In both matters, insofar as a minor daughter is concerned, an application has been made for re-issuance of the passport and insofar as the minor son is concerned, an application was filed for issuance of a passport for the first time. The said applications were not considered by respondents on the grounds that the applicants were minors, the applications were not accompanied by Annexure-C and Annexure-D, inasmuch as Annexure-D requires an undertaking by both parents.
4. From the record, it is clear that there is a dispute between the husband and wife as regards which the children have been dragged into.
5. Initially when the petition was filed the father was not made a party and it is that background that any order to be passed in the present matter likely to affect the father, the petitioner was called upon to implead the father as a party respondent hence, the father was brought on record as a party respondent.



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6. This being so for the reason that when there is *inter se* dispute between husband and wife and there are several proceedings which are pending before them. There could be several orders which could have been passed in those proceedings and unless an opportunity is given to the other spouse to make their submission, this Court would not have the complete information to pass necessary orders.
7. In the present case, notice having been ordered to the father Sri.Amit Mandagi., learned counsel has entered appearance for the father and has very graciously stated that the father would not have any objections for reissuance of the passport insofar as minor daughter is concerned and issuance of the fresh passport insofar as minor son is concerned, so long as the mother/wife complied with the directions issued in G&WC No.26/2023 pending before the I Additional Principal Family Judge, Bengaluru.



8. An undertaking has also been filed by the petitioner-mother on 10.11.2025, wherein she has categorically undertaken, that she will comply with the visitation directions issued in G&WC No.26/2023.
9. In the said affidavit an explanation is sought to be given as regards to filing of the application for issuance/re-issuance of passport by stating that Annexure-C being the specimen declaration by the applicant parents for issuance of passport to minor was required to be considered by the respondent on its own without insisting for NOC of the father/husband.
10. The submission of Sri.Shanti Bhushan.H., learned DSGI is that;
 - 10.1. When an application is made by one of the parents for issuance of a passport, it is required for a suitable declaration to be made by the applicant who claims to be natural guardian of a minor child. Inasmuch as if there is a divorce



which has been granted declaration would have to be made as regards whom custody has been granted and it is the person to whom custody has been granted who could make an application for issuance of passport.

10.2. In the event of proceedings for divorce pending and/or the marriage still subsisting, in that event the reasons as to why the other spouse's consent has not been enclosed for issuance of passport would have to be enclosed along with the application.

10.3. His submission is that, in the present matter the petitioner had indicated that there is a divorce which had been granted, and custody had been awarded to the petitioner, despite the fact that there is no such decree of divorce nor order of custody passed.

11. The submission of learned counsel for the petitioner in this regard being that the petitioner is not



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educated and she has wrongly ticked the checkbox in the application cannot be accepted in toto. However, taking into consideration that there is a matrimonial dispute which is pending and considering that the husband is not insisting on any action to be taken, this Court refrains from taking any action against the petitioner.

12. It would therefore be clear that, when an application is made by one spouse/parent the declaration which has been made should be factually correct and if at all, it is stated that a decree of divorce has been passed with custody being granted to the spouse making the application those documents need to be enclosed along with the application.
13. In the present case, now that the husband has come forward to offer his no objection for issuance of passport subject to compliance with the visitation rights as indicated *supra*, I am considered opinion that the respondents could be directed to issue the passport as per the said No Objection on part of respondent No.3-father, subject to the respondent



No.3-father filing necessary declaration in terms of Annexure-D which learned counsel for respondent No.3 undertakes would be done within one week from today.

14. In that way of the matter, I pass the following;

ORDER

- i. The writ petition in WP No.23851 of 2025 is ***allowed.***
- ii. Respondents are directed to process the application for re-issuance of the passport of the petitioner and pass necessary orders thereon, within 10 days of the Petitioner mother and respondent No.3-father filing declaration in terms of Annexure-D signed by both the mother and father.
- iii. The writ petition in WP No.23848 of 2025 is ***allowed.***
- iv. Respondents are directed to process the application for issuance of the passport of the petitioner and pass necessary orders thereon,



within 10 days of the Petitioner Mother and respondent No.3-father filing declaration in terms of Annexure-D signed by both the mother and father.

- v. In the event of any violation or non-compliance with the undertaking in Annexure-D, as contended in Annexure-D respondent No.2 could exercise its rights and powers and cancel/impound/revoke the passport so issued, on the basis of declaration/undertaking as also initiate such criminal proceedings as are permissible under the provision of Bharatiya Nagarik Suraksha Sanhita, 2023 and the Passport Act, 1967.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

SR
List No.: 2 Sl No.: 9