

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14738 of 2025**

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 & ORS.

Versus

REGIONAL PASSPORT OFFICE AHMEDABAD & ANR.

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Appearance:

MS GRISHMA AHUJA FOR MR.KARNA H DHOMSE(6684) for the
Petitioner(s) No. 1,2,3

DS AFF.NOT FILED (N) for the Respondent(s) No. 2

MR PRADIP D BHATE(1523) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 21/10/2025****ORAL ORDER**

1. By way of the present petition, the petitioners have prayed for the following reliefs:-

“A. Admit and allow the present Petition;

B. Issue a writ of certiorari and/or any other appropriate writ, order or direction, quashing and setting aside the communications dated 12.08.2025 issued by Respondent No.1, Regional Passport Office, Ahmedabad, in relation to Passport Application Nos.AH3075370946825 and AH3075371718125, whereby insistence has been made for production of a no-objection affidavit from Respondent No. 2; At Annexure-‘C’.

C. Issue writ of mandamus and/or any other

appropriate writ, order or direction, commanding Respondent No.1 to forthwith process and renew the passports of the Petitioner No.1 and 2, in accordance with law, without insisting upon any no-objection or affidavit from Respondent No.2;

D. Issue a writ of mandamus and/or any other appropriate writ, order or direction, commanding Respondent No. 2 to comply with Clause 10 of the Memorandum of Understanding dated 15.03.2022, merged into the decree of the Hon'ble Family Court, and to extend his full cooperation in all present and future legal formalities concerning the Petitioners, including but not limited to grant of no-objection for their identification documents; At Annearre-'A'.

E. Pending the hearing and final disposal of this Petition, direct Respondent No. 1 to renew the passports of the Petitioners forthwith, in particular of Petitioner No. 1, so as to enable her to appear for the SAT examination scheduled on 08.11.2025, without which she will be unable to pursue applications to higher educational institutions abroad for the academic year 2026-2027;

F. Grant ex-parte ad-interim relief in terms of Para C, D, and E above, in the interest of justice and in view of the urgency of Petitioner No. 1's academic

requirements;

G. Award exemplary costs against Respondent No.2, in view of his obstructionist and mala fide conduct which has compelled the Petitioners to approach this Hon'ble Court and which has caused unnecessary hardship, harassment, and litigation expenses to the Petitioners, especially in view of mental trauma caused to Petitioner No. 1;

H. Pass any other and/or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. The learned advocate for the petitioners submitted that petitioners are seeking relief, directing the respondent no.1 to renew the passports of the petitioner nos.1 and 2 without No Objection from the respondent no.2 - husband. It is submitted that initially, an application has been preferred by the petitioner no.3 - mother. It is submitted that the petitioner no.3 and the respondent no.2 are the wife and husband. Subsequently, they have obtained decree of divorce by mutual understanding as per the provisions of 13B of the Hindu Marriage Act by preferring an application i.e. Family Suit No.270 of 2022 before the Family Court, Vadodara and pursuant to the same, the Family Court, Vadodara has passed decree of divorce on 10.08.2022. It is submitted that the Memorandum of Understanding was executed between the respondent no.2 and the present petitioner

no.3 and as per the same, two minor children are in the custody of the petitioner no.3 as she is mother of both the minor children. It is further submitted that passports of the petitioner nos.1 and 2 are required to be renewed as the petitioner no.1 has to appear in the examination of SAT and accordingly, at the time of filling up the form, the copy of the passport is required and when they approached the passport authority, it has denied renewal of the passports mainly on the ground that No Objection of the father has been obtained and same was communicated to the present petitioner no.3 on 12.08.2025. Therefore, it is requested that now, it is not possible to secure the consent of the husband at this stage and in absence of his consent, if the passports are not renewed, the minor daughter has to suffer a lot and, therefore, it is requested for renewal of the passports without consent of the respondent no.2 - husband.

3. Learned advocate Mr.P.D. Bhate for the respondent no.1 submitted that the respondent no.1 has no objection if the present petition is allowed and the respondent no.1 authority will renew the passports, even in absence of No Objection from the respondent no.2 - husband.

4. Heard the learned advocates for the respective parties.

5. As per Section Section 4(3) of the Schedule-II of the Passport Rules, 1980 provides that a single parent who is separated, but not formally divorced, is also eligible to

endorse consent to prefer an application and get a passport and it apparently by way of abundant caution that the authority has indicated that the passport could not be granted unless there is consent of any of the parent or if there was a Court order.

6. So far as the present case on hand is concerned, it is not in dispute that decree of divorce has already been obtained by the present petitioner no.3 and respondent no.2 - husband and subsequently, they got divorce and as per the Memorandum of Understanding executed between them, the custody of the minor daughter and son is to be kept with the mother i.e. the petitioner no.3 and considering the same, the petitioner no.3 has applied for renewal of the passport and the same was rejected by the respondent no.1 on the ground that the father's consent or No Objection for minors' passports has not been produced along with the application form.

7. Considering the above, this Court is inclined to allow the present petition and the same is hereby allowed. The respondent no.1 - authority is directed to consider the application dated 11.07.2025 preferred by the petitioner no.3 as a single parent and renew the passports of both the minor petitioner nos.1 and 2 i.e. [REDACTED] and [REDACTED] as expeditiously as possible preferably within a period of 1 week from the date of passing of this order.

8. In view of the above, the present petition is allowed.

9. The affidavit of service is taken on record. Direct service is permitted.

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(L. S. PIRZADA, J)