

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

FRIDAY, THE 8<sup>TH</sup> DAY OF APRIL 2022 / 18TH CHAITHRA, 1944

WP(C) NO. 13033 OF 2022

PETITIONER:

EVELIN ANNE  
AGED 4 YEARS  
REPRESENTED BY HER MOTHER AND GUARDIAN JESNA VARGHESE,  
AGED 34 YEARS, D/O.VARGHESE,  
MULAVARICKAL OUSEPH,  
MULAVARICKAL HOUSE, CN-101/B,  
ANGAMALY, ERNAKULAM - 683 572  
(HAVING PASSPORT NO.L8400028).

THROUGH HER POWER OF ATTORNEY HOLDER  
MR.MANOJ MATHEW, AGED 48 YEARS,  
S/O.MATHEW, KUNNATH HOUSE, CCRA35,  
PADAMUGHAL, KAKKANADU WEST,  
ERNAKULAM DISTRICT - 682 030.

BY ADVS.  
JOBY JACOB PULICKEKUDY  
ANIL GEORGE  
DAJISH JOHN  
HARIKRISHNAN P.  
POOJA SEBASTIAN

RESPONDENTS:

- 1 UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
MINISTRY OF EXTERNAL AFFAIRS,  
GOVERNMENT OF INDIA, NEW DELHI - 110 001.
- 2 REGIONAL PASSPORT OFFICER  
REGIONAL PASSPORT OFFICE,  
ERNAKULAM, KERALA, KOCHI - 682 036.

SRI. MANU. S. ASG.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
08.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAVI, J.**

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**WP(C) NO.13033 OF 2022**  
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**Dated this the 08<sup>th</sup> day of April, 2022**

**JUDGMENT**

The petitioner before this Court is a child aged 4 years and 9 months represented by her mother and guardian Smt.Jesna Varghese, who is presently abroad and is represented through power of attorney holder Sri.Manoj Mathew. An application had been filed before the respondents seeking issuance of a passport in the name of the minor petitioner.

2. The writ petition has been filed seeking a direction to the 2<sup>nd</sup> respondent to consider Ext.P6 application in the light of Annexure C declaration given by the petitioner without insisting on a consent from both the parents. In WP(C)No.20895/2021 this Court had in similar circumstances, directed to accept the application and consider and process the same without insisting consent from the father, if the application is accompanied by necessary declarations as prescribed in Annexure C.

3. When the case is taken up today, the counsel for the respondents submitted that they are willing to consider the application but that the application says that the legal

guardian's name is one Anju Devassykutty and hence there is a confusion regarding the identity of the person. The counsel for the petitioner submits that since the mother of the minor petitioner is not available in Kerala, the application has been signed by the grandmother of the child Smt.Jiji Varghese. The confusion regarding the name of the legal guardian need not detain the consideration of the application since the applicant before this Court is the mother of the child who is represented through a power of attorney.

4. The writ petition is hence disposed of directing the 2<sup>nd</sup> respondent to consider Ext.P6 application accepting the power of attorney Sri.Manoj Mathew as the person to represent the petitioner. The power of attorney shall produce the original of the power of attorney before the officer for reference. The passport shall be issued within two weeks from the date of receipt of a copy of this judgment.

**Sd/-**

**T.R.RAVI**

**JUDGE**

APPENDIX OF WP(C) 13033/2022

PETITIONER'S EXHIBITS

Exhibit P1	THE TRUE PHOTOCOPY OF POWER OF ATTORNEY EXECUTED BY JESNA VARGHESE.
Exhibit P2	THE TRUE PHOTOCOPY OF THE BIRTH CERTIFICATE OF THE MINOR CHILD.
Exhibit P3	THE APPLICATION FOR PASSPORT SUBMITTED ON 25/06/2021.
Exhibit P4	THE TRUE PHOTOCOPY OF ACKNOWLEDGMENT LETTER DATED 25/06/2021.
Exhibit P5	THE TRUE PHOTOCOPY OF LETTER DATED 20/01/2022.
Exhibit P6	THE TRUE PHOTOCOPY OF PASSPORT APPLICATION ALONG WITH ANNEXURE C AND D DATED 11/03/2022.
Exhibit P7	THE TRUE PHOTOCOPY OF ACKNOWLEDGMENT LETTER DATED 11/03/2022.
Exhibit P8	THE TRUE PHOTOCOPY OF JUDGMENT DATED 11/11/2021 IN WPC NO.20895 OF 2021.
Exhibit P9	THE TRUE PHOTOCOPY OF JUDGMENT DATED 01/02/2022 IN WPC NO.2169 OF 2022.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE