



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 9820 OF 2026 (GM-PASS)

BETWEEN:

1. AURA RUTHU PRABHAKAR
AGED ABOUT 5 YEARS,
MINOR REPRESENTED BY HER
MOTHER AND NATURAL GUARDIAN
MRS. PRABHAKAR RUTHU
RESIDING AT NO.16, CHOWDESHWARI KRUPA,
CHAMUNDESHWARI LAYOUT,
DODDABOMMASANDRA,
BENGALURU - 560 097.

...PETITIONER

(BY SRI. DEEPAK METHRE, ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REPRESENTED BY ITS SECRETARY
ROOM NO. 74B, GATE NO.4
SOUTH BLOCK, NEW DELHI - 110 011.
2. REGIONAL PASSPORT OFFICE
BENGALURU
REPRESENTED BY PASSPORT OFFICER
HAVING OFFICE AT 8TH BLOCK,
80 FEET ROAD KORAMANGALA,
BENGALURU KARNATAKA - 560 095.
3. KIRAN M M

Digitally
signed by
CHAITRA
A
Location:
HIGH
COURT OF
KARNATAKA



S/O. MANJUNATH M T,
RESIDING AT NO.27/2,
3RD MAIN ROAD, NEAR PES COLLEGE
RAGHAVENDRA BLOCK, SRINAGAR,
BANGALORE SOUTH
KARNATAKA - 560 050.

...RESPONDENTS

(BY SRI. MUKUND PRASAD, CGPC FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT NO.2, REGIONAL PASSPORT OFFICER, BENGALURU TO PROCESS THE PASSPORT APPLICATION OF THE MINOR PETITIONER BEARING APPLICATION REFERENCE NUMBER (ARN) NO.24-1004874541 AND FILE NO. BN1066545957924 DATED 22.04.2024 AND ISSUE PASSPORT TO THE MINOR PETITIONER WITHOUT INSISTING UPON THE CONSENT OF THE THIRD RESPONDENT (ANNEXURE-A) AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING FRESH MATTER, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner, a minor child, represented by her mother and natural guardian, has approached this Court seeking a writ in the nature of mandamus directing respondent No.2-Passport Authority to process the passport application bearing Reference No.(ARN) 24-1004874541 and to issue a passport in favour of the minor



petitioner without insisting upon the consent of respondent No.3–father.

2. Though notice was ordered by this Court, the learned counsel for the petitioner has placed on record the postal tracking report to demonstrate that respondent No.3, despite residing at the very same address, has deliberately evaded service of notice. The conduct of respondent No.3, as is evident from the material placed on record, prima facie indicates a conscious attempt to avoid participation in the proceedings.

3. In the backdrop of the urgency projected, learned counsel for the petitioner has persuaded this Court to take up the matter for consideration at this stage by contending that the minor petitioner, along with her mother, intends to travel to Australia to meet her grandparents during the ensuing summer vacation, and any delay in issuance of passport would irreparably prejudice the rights and interests of the minor child.



4. Per contra, the learned counsel appearing for the respondents would oppose the petition contending that, in terms of the governing statutory framework, consent of both parents is ordinarily required for issuance of a passport to a minor, and in the absence of such consent from the father, respondent No.2 is justified in not processing the application submitted on behalf of the minor petitioner.

5. Having given anxious consideration to the rival submissions and on perusal of the records, this Court finds that the parents of the minor petitioner are embroiled in matrimonial discord and are presently litigating in M.C. No.5709/2023, wherein the mother has instituted proceedings seeking dissolution of marriage against respondent No.3. The said proceedings are admittedly pending consideration before the competent Court.

6. The reliance placed by the learned counsel for the petitioner on the judgment of the Allahabad High Court



in ***Poem Jaiswar vs. Union of India and Another***¹ is well-founded. In the said decision, the High Court, while interpreting the Passport Rules, 1980, has recognized that situations may arise where consent of one parent is not forthcoming due to unavoidable circumstances, and in such contingencies, the rigid insistence on consent of both parents cannot be permitted to defeat the legitimate rights of a minor.

7. In the case on hand, the material on record unmistakably indicates subsisting matrimonial discord between the parents. The minor petitioner cannot be made to suffer on account of the acrimony between the spouses. The right of a minor child to travel, particularly for the purpose of meeting close family members, cannot be curtailed merely because one parent chooses to withhold consent or evade legal process. At the same time, the apprehension of respondent No.3–father, though not

¹ Writ C No.9771 of 2025



formally articulated before this Court owing to his absence, cannot be completely disregarded.

8. Balancing the competing interests, this Court is of the considered view that the ends of justice would be met by directing issuance of a short validity passport, thereby safeguarding the interest of the minor while also addressing any conceivable concern of the father. The fact that respondent No.3 has evaded notice and the proposed travel is time-sensitive further persuades this Court to grant limited indulgence in favour of the petitioner.

9. In view of the foregoing discussion, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is ***allowed***;
- (ii) Respondent No.2-Passport Authority is directed to process the passport application bearing Reference No. (ARN) 24-1004874541 and issue a short validity passport in favour of



the minor petitioner, valid for a period of eight (8) weeks;

(iii) Respondent No.2 shall complete the aforesaid exercise and dispatch the passport within a period of one (1) week from the date of receipt of a certified copy of this order;

(iv) The mother and natural guardian of the minor petitioner shall file an affidavit of undertaking before respondent No.2, affirming that the minor petitioner shall return to India within the period stipulated in the passport and shall abide by any further conditions that may be imposed by the Passport Authority in accordance with law.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**