IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 11262 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MS. JUSTICE NISHA M. THAKORE --*Sd/-*

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Approved for Reporting	Yes	No
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SHITAL MAULIK THAKKAR GUARDIAN OF AKSHAT MAULIK THAKKAR
Versus
REGIONAL PASSPORT AUTHORITY

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Appearance:
DHRUVIN P BHUPTANI(8295) for the Petitioner(s) No. 1
MR PRADIP D BHATE(1523) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE NISHA M. THAKORE**

Date : 16/10/2026

ORAL JUDGMENT

1. ***RULE*** returnable forthwith. Mr. Pradip Bhate, learned advocate waives service of notice of rule on behalf of the respondent.

2. With the consent of the learned advocates for the parties, the matter is taken up for final hearing and disposal.

3. By way of the present petition under Article 226 of the

Constitution of India read with the provisions of the Passport Act and Rules framed thereunder, petitioner has prayed for the following reliefs :

> *"7.1 This Hon'ble Court may be pleased to admit and allow the present petition;*
>
> *7.2 This Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondent authority to forthwith process and issue/re-issue passports of the minor child of the petitioner without insisting upon consent of the other parent, in the interest of justice;*
>
> *7.3 Pending admission, hearing and final disposal of the present petition, this Hon'ble Court may be pleased to grant ad-interim relief in terms of paragraph no.7.2 of this petition, in the interest of justice;*
>
> *7.4 Grant such other and further reliefs as may be deemed fit in the interest of justice."*

4. Mr. D.P. Bhuptani, learned advocate appearing for the petitioner has submitted that the petitioner is seeking re-issuance of passport of minor child viz., Akshat Maulik Thakkar (born on 20th September, 2016), as a single parent, since the minor child is presently residing with the petitioner and is under her continuous care, custody and supervision and there are serious disputes between the petitioner and her husband.

5. Mr. Bhuptani, learned advocate has submitted that it would not be possible to secure the consent of husband of the petitioner for renewal of passport of her minor child. In

absence of consent, in accordance with Rule-4(A)(3)(a) of the Schedule- III of Passport Rules, 1980, the single parent can apply for passport of minor child. The relevant provision of Section Rule-4(A)(3)(a) of the Schedule-III of Passport Rules, 1980, reads thus :

> ***"Section 4(A)(3) When applying for a minor's passport attach:***
>
> *(a) A Declaration from the parents/single parent/applicant parent/legal guardians, as the case may be, affirming the particulars furnished in the application about the minor child as per ANNEXURE "H" (for all minor applicants), ANNEXURE "C" (Single parents who are separated but not formally divorced/Single parent of the child born out of wedlock), ANNEXURE "G" (when passport is being applied for by single parent or legal guardian), ANNEXURE "I" (when a minor between 15-18 years of age applies for a full validity 10 year passport OR in case either parents who do not hold valid Indian passport while applying passport for their minor child), as the case may be. Single Parents applying for the passport for their child should fill up ANNEXURE "C" and/or ANNEXURE "G", as the case may be."*

6. Having heard the learned advocates appearing for the respective parties, 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 the father or if there was a Court order. The petitioner being the natural guardian and having

responsibility of the minor child, applied for issuance/re-issuance of passports of the minor child before the respondent authorities so as to ensure that the child would not deprived of opportunities requiring valid identification and travel documents. The submission put-forth by Mr. Bhuptani, learned advocate appearing for the petitioner requires consideration. Accordingly, this Court is inclined to direct the respondent authorities to consider the application preferred by the petitioner as a single parent and issue new passport (renew) to the minor child of the petitioner viz. “Akshat Maulik Thakkar”, as expeditiously as possible, preferably within a period of ***eight weeks*** from the date of the receipt of the copy of the order.

7. In view of above, the present petition stands ***allowed*** to the aforesaid extent. ***Rule made absolute***. ***Direct service permitted***.

Sd/-
(NISHA M. THAKORE, J.)

AMAR RATHOD.../sfs/16.10

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR KANTILAL RATHOD(HC01074), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 16/10/2026 16:24:47