

In the High Court of Judicature at Madras

Dated: 03.11.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.20363 of 2015

Karuppaiah

.... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai - 2.

.... Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus to direct the respondent to alter the date of birth of the petitioner herein as 25.11.1968 instead of 8.5.1955 in the passport of the petitioner herein by considering the Order dated 24.03.2015 passed by the learned Judicial Magistrate No.2, Karur in C.M.P.No.594 of 2015 and the Birth Certificate dated 9.4.2015 and re-issue the passport within an appropriate time and to pass suitable orders on the same within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.L.Murugan, CGSC

O R D E R

The petitioner has made an application to the respondent seeking to alter his date of birth as 25.11.1968 instead of 8.5.1955 in his passport. As the said request has not been considered by the respondent, the present writ petition has been filed.

2. Learned counsel appearing for the petitioner submitted that what the petitioner seeks is consideration of the request made. He has obtained appropriate order dated 24.03.2015 from the learned Judicial Magistrate No.2, Karur in C.M.P.No.594 of 2015. The effect of the said order has not been taken into consideration by the said order. What the petitioner wants is change of date of birth in the passport. The petitioner has produced the birth certificate to substantiate the same.

3. Learned counsel appearing for the respondent submits that the petitioner's request is belated. There is no mandate that the respondent should accept the request of the petitioner and the petitioner is bound by the declaration made. Therefore, no interference is required.

4. This Court is not inclined to go into the issues raised. It is for the respondent to consider the evidentiary value and the applicability of the order dated 9.4.2015 passed by the Judicial Magistrate No.2, Karur in C.M.P.No.594 of 2015 as well as the other documents produced by the petitioner. Therefore, the respondent can be directed to pass appropriate order on the application of the petitioner. Such an order could be passed for the simple reason that even in the counter affidavit there is no reference about the said order dated 9.4.2015.

5. Therefore, the respondent is directed to consider the application of the petitioner by correcting the date of birth of the petitioner as 25.11.1968 in the passport and re-issue the passport within a period of six weeks from the date of receipt of copy of this order.

The writ petition is ordered accordingly. However, there is no order as to costs.

usk

s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai,
Chennai - 2.

+ 1 cc to Mr.R.Nalliappan, Advocate SR 60662

mg(co)
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