

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26743 of 2014

K.Gandhi

... Petitioner

vs.

The Regional Passport Officer,
O/o.Regional Passport Office,
Chennai

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent, his officials and others concerned in respect of renewal of passport and to accept the birth certificate issued by Health Department, Ibhrahimpatnam Grama Panchayat, Krishna District, Andhra Pradesh State vide Certificate I.D.No.1506-B-2273 dated 11.09.2014 as valid in view of Section 12/17 of the Registration of Birth and Death Act 1959 and Rules 8/13 of the Andhra Pradesh Registration of Births and Deaths Rules 1999 and pleased to direct to correct the petitioners date of birth as 02.06.1958 in the passport being Passport No.K3854431 dated 11.06.2012 instead of 14.11.1958.

For Petitioner : Mr.G.Jayachandran

For Respondent : Mr.Prof.S.Narayanasamy,
SPCCG

O R D E R

Heard Mr.G.Jayachandran, learned counsel for the petitioner and Mr.Prof.S.Narayanasamy, learned Standing Counsel appearing for the respondent and perused the materials placed on record.

2. The petitioner seeks for issuance of a Writ of Mandamus directing the respondent to correct his date of birth as 02.06.1958 in the passport bearing No.K3854431 dated 11.06.2012 instead of 14.11.1958.

3. According to the petitioner, his date of birth has been

wrongly entered in the passport and, therefore, he seeks for correction of the same. In this regard, the petitioner has made a reference to the Birth Certificate dated 11.9.2014. As rightly pointed out by the learned standing counsel for the respondent, the said birth certificate cannot be taken as a proof for the correction of Date of Birth since the same was registered only on 08.9.2014.

4. The learned counsel for the petitioner submitted that the petitioner is in possession of the Transfer Certificate and the Mark statement of the 10th standard, which was issued during the year 1974. It is also submitted that in the said documents, correct Date of Birth of the petitioner i.e. 02.6.1958 has been entered and the petitioner is ready and willing to produce the same before the Passport Official and the respondent may be directed to consider the same for rectification of Date of Birth from 14.11.1958 to 02.06.1958.

5. The learned standing counsel appearing for the respondent has produced the written instruction given by the respondent stating that if the petitioner has produced the Original Transfer Certificate and Mark sheet as proof of Date of Birth, the respondent office will arrive at appropriate decision in the matter, after examining both the 10th standard Transfer Certificate and mark sheet.

6. In the light of the stand taken by the respondent and willingness expressed by the petitioner to produce the original Transfer Certificate and Mark Statement, there will be a direction to the respondent to issue notice to the petitioner calling upon him to appear in person before the respondent along with original Transfer Certificate and Mark sheet of the 10th Standard and on production of such original certificates, the respondent shall verify the same and if the respondent is satisfied regarding the genuineness of the certificates to be produced by the petitioner, appropriate correction shall be made in the Date of Birth column of the Passport bearing No.K3854431 dated 11.6.2012, within a period of three weeks from the date of conclusion of enquiry.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

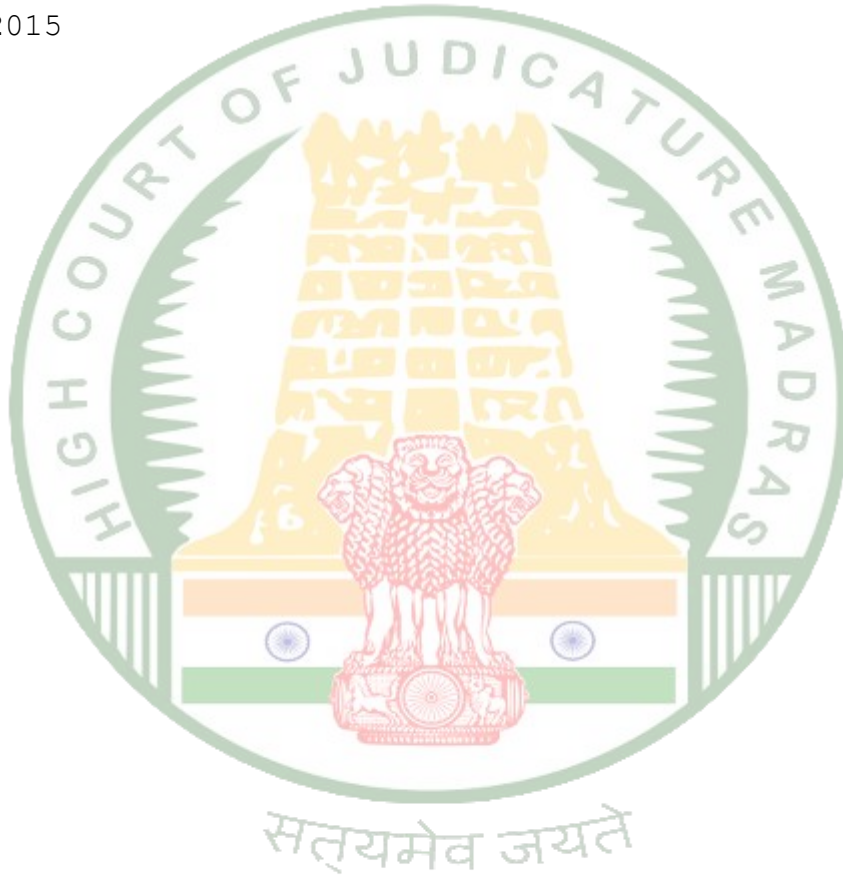
ga/srn

To
The Regional Passport Officer,
O/o.Regional Passport Office,
Chennai

1 cc to Mr. S.Narayanasamy, Advocate, SR.No.17516
1 cc to Mr. G.Jayachandran, Advocate, SR.No.17514

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