

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P. No. 26920 of 2015

A.Aroquiassamy,

...Petitioner

Vs.

Union of India
Rep. by its Regional Passport Officer,
Shastri Bhavan,
No. 26, Haddows Road,
Nungambakkam, Chennai - 34.

...Respondent

PRAYER: This petition is filed under Article 226 of the Constitution of India in the nature of writ of mandamus directing the respondent to restore the cancelled passport bearing No. K2811615 dated 30.04.2012 issued to the petitioner or issue a fresh passport to the petitioner.

For Petitioner : Mr.R.Thiagarajan,

For Respondent : Mr.K.Raju,
Central Govt. Standing Counsel

ORDER

The petitioner made a request dated 03.06.2015 for change of place of birth. On receipt of the said request, the respondent has cancelled the old passport of the petitioner. Thus, the petitioner has approached this Court seeking a direction to the respondent to either restore the old passport bearing No. K2811615 dated 30.04.2012 or issue a fresh one.

2. In the counter affidavit filed by the respondent, it is submitted this is a dispute with regard to the place of birth of the petitioner. Therefore, the petitioner has to approach the proper jurisdictional Civil Court and get a decree to that effect.

3. While the said submission is raised in the counter affidavit, this Court is of the considered view that the old passport cannot be cancelled by the respondent. In other words, till the petitioner applies for a fresh passport with a decree as sought for by the respondent, the said authority cannot cancel the old passport. Cancellation of the old passport would mean that the respondent accepts the place of birth as stated by the petitioner. Therefore, the petitioner cannot be put in a pricked situation. Thus, the respondent is directed to restore the old passport bearing No. K2811615 dated 30.04.2012 which has been cancelled, within a period of four weeks from the date of receipt of copy of this order. Liberty is given to the petitioner to get a decree as sought for by the respondent from the jurisdictional Civil Court and thereafter, apply for fresh passport with the change of place of birth.

Accordingly, the writ petition is disposed of. No costs.

rms

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Regional Passport Officer,
Shastri Bhavan,
No. 26, Haddows Road,
Nungambakkam, Chennai - 34.

+ 1 cc to Mr.R.Thiagarajan, Advocate SR 64701

+ 1 cc to Mr.K.Raju, Central Govt. Standing Counsel SR 64855

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सत्यमेव जयते

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