



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

Writ Petition(MD)No.9858 of 2015

M.Murugaiyan

... Petitioner

Vs.

The Regional Passport Officer,
Passport Office,
Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli - 620 008.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to accept the petitioner's birth certificate issued by the Deputy Tahsildar, Orathanadu, Thanjavur District in Na.Ma.No.9442/2015, A6, dated 08.01.2015 based on the order of the District Munsif cum Judicial Magistrate Court No.I, Orathanadu in C.M.P.No.4365 of 2014, dated 04.12.2014 for the petitioner's actual date of birth 10.04.21975 instead of 10.05.1970 and issue a fresh passport.

For Petitioner : Mr.F.Deepak

For Respondent : Mr.R.Murugappan
Senior panel counsel for
Central Government

ORDER

The petitioner seeks for a Mandamus directing the respondent to accept the petitioner's birth certificate issued by the Deputy Tahsildar, Orathanadu, Thanjavur District in Na.Ma.No.9442/2015, A6, dated 08.01.2015 based on the order of the District Munsif cum Judicial Magistrate Court No.I, Orathanadu in C.M.P.No.4365 of 2014, dated 04.12.2014 for the petitioner's actual date of birth 10.04.21975 instead of 10.05.1970 and issue a fresh passport.

2. The case of the petitioner is that due to mistake his date of birth in the passport was originally entered in the passport as 10.05.1970 instead of 10.04.1975 and that the said mistake was not noticed by the petitioner even when the passport was renewed subsequently. Thereafter, it is stated, the petitioner realised the mistake and found that his date of birth was not



registered by his parents before the competent authority. Thus, he approached the District Munsif cum Judicial Magistrate Court No.I, Orathanadu, Thanjavur District and filed a petition under Section 13(3) and Rule 9(3) of the Birth and Death Registration Act and Rules and an order came to be passed in the application on 04.12.2014 declaring the date of birth of the petitioner as 10.04.1975.

3. It is the further case of the petitioner that pursuant to the order passed by the said Court, the Head Quarters Deputy Tahsildar, Orathanadu issued a birth certificate showing the date of birth of the petitioner as 10.04.1975. Thus, it is contended that there cannot be any impediment for the respondent to consider the request of the petitioner for entering the date of birth of the petitioner as 10.04.1975 in the passport by correcting the same.

4. Perusal of the enquiry/feed back form, enclosed in the typed set of papers issued by the Regional Passport Office, Tiruchirappalli, would show that an endorsement was made by the officials of the respondent advising the petitioner to produce the declaratory court order in proof of his date of birth. Such endorsement was made on 20.05.2015. Therefore, the petitioner can very well place the above orders passed by the District Munsif cum Judicial Magistrate Court No.I, Orathanadu and also the birth certificate issued by the Tahsildar as referred to supra before the respondent in support of his claim. If the petitioner places those documents, the same shall be considered by the respondent and appropriate orders would be passed on the request made by the petitioner.

5. Accordingly, a direction is issued to the petitioner to place the orders passed in C.M.P.No.4365 of 2014, dated 04.12.2014 made by the District Munsif cum Judicial Magistrate, Orathanadu and also the birth certificate issued by the Tahsildar, Orathanadu, dated 08.01.2015 before the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such documents, the respondent will consider the request of the petitioner based on those documents and pass appropriate orders within a period of four weeks thereafter.

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

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

Madurai Bench of Madras High Court,
Madurai



The Regional Passport Officer,
Passport Office,
Municipal Water Tank Building,
W.B.Road,
Tiruchirappalli - 620 008.

+1 cc to Mr.F.Deepak, Advocate SR No.70468

+1 cc to Mr.R.Murugappan, Advocate Sr NO.70499

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