

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 18.02.2016
Date of verdict: 22.2.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15681 of 2015
and
M.P.No.1 of 2015

Mohamed Niyasudeen

... Petitioner

Vs.

The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
4th Floor, Tower III,
No.158, Anna Salai, Chennai-2.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondent office to make necessary correction in respect of Date of Birth Column particularly the petitioner's Old Passport No.P354937 dated 8.6.1993 issued at Tiruchirappalli and Passport No.E9018174 dated 16.4.2004 issued at Tiruchirappalli for renewal and to reissue the new Passport based on On-line Application dated 27.3.2015, based on Birth Certificate issued by the Competent Authority, the Date of Birth Column may be corrected as 30.4.1977 instead of 14.4.1970.

For Petitioner : Mr.P.N.Peruvazhuthi

For Respondents : Mr.V.Balasubramanian,
Senior Panel Counsel

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ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent office to make necessary correction in respect of Date of Birth Column particularly the petitioner's Old Passport No.P354937 dated 8.6.1993 issued at Tiruchirappalli and Passport No.E9018174 dated 16.4.2004 issued at Tiruchirappalli for renewal and to re-issue the new Passport based on On-line Application dated

27.3.2015, based on Birth Certificate issued by the Competent Authority, the Date of Birth Column may be corrected as 30.4.1977 instead of 14.4.1970.

2. It is the case of the petitioner that he was born on 30.4.1977 to his parents Sowkathali and Ummu Kolusu at Parthibanoor, Ramnad District. His father had applied for passport to him through an agent. While applying for passport, by oversight, his date of birth was given as 14.4.1970 instead of 30.4.1977 and the same was entered in the passport issued by the respondent office at Tiruchirapalli dated 8.6.1993 and the passport number is P354937, which was valid upto 7.6.2003. When he received the passport, he did not notice the said mistake. Later, he renewed his passport on 16.4.2004 at Tiruchirappalli and the passport number is E9018174 and the same had also expired on 15.10.2014. Thereafter only, the petitioner noticed the date of birth column and found that a mistake had crept in, in mentioning the date of birth in the passport. Immediately, he approached the Magistrate Court and legal service authority. Thereafter, he sent on-line application dated 27.3.2015 and went to the respondent office. The respondent has directed the petitioner to obtain Court order to correct the mistake found in the passport. Hence, the petitioner has approached this Court by filing the present writ petition directing the respondent office to make necessary correction in his passport in respect of Date of Birth.

3. The respondent filed counter affidavit, wherein it has been stated that the petitioner had used his passport for more than 23 years and after a lapse of 23 years, now he seeks to change his date of birth from 14.4.1970 to 30.4.1977. No acceptable reason was given for the same. Further, the petitioner seems to have obtained his birth certificate from the Village Administrative Officer, Mela Parthibanoor, Paramakudi Taluk, only on 3.3.2015 and the registration seems to have been made only on 3.3.2015. Though he had an opportunity of changing his date of birth on earlier occasion, he has not chosen to do so. Hence, the petitioner's claim cannot be considered after a lapse of 23 years. Thus, he sought for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Senior Panel counsel appearing for the respondent.

5. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record and I find that the petitioner has applied for change of his date of birth in his passport after a lapse of 23 years, that too, from the year 1970 to 1977, where there are seven years gap between the earlier date of birth mentioned in the passport and

the present date of birth, which is sought to be corrected. Further, no acceptable reason was given by the petitioner for entertaining this prayer. Further more, I find that only a vague and bald statement was given in the affidavit filed in support of petition for changing his date birth. Therefore, I am not inclined to grant the relief that has been sought for by him in this petition.

6. In fine, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
4th Floor, Tower III,
No.158, Anna Salai, Chennai-2.

+1cc to Mr.V.Balasubramanian, Advocate, S.R.No.10968

+ 1 cc to Mr.P.N.Peruvazhuthi, Advocate Sr 10727 (11/3/16)

W.P.No.15681 of 2015

SAI (CO)
CA(04/03/2016)

सत्यमेव जयते

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