

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.27318 of 2015

Muthumanikandan Prithiviraj

... Petitioner

vs.

1. The Regional Passport Officer,
No.158/785, Royala Towers,
Anna Salai,
Chennai 600 002.

2. The Assistant Passport Officer,
Passport Sewa Kendra,
Tambaram,
Chennai 600 045.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Declaration, declaring the action of the second respondent herein in cancelling the petitioner's passport bearing No.H6678692 issued on 07.04.2010 as arbitrary, illegal, unjust and unsustainable in law and direct the respondents herein to re-issue the passport to the petitioner with the change of address and with correction with regard to the place of birth of the petitioner as Madurai.

For Petitioner

:

Mr.AR.L.Sundaresan, SC
for M/s.AL.Gandhimathi

For Respondents

:

Mr.N.Siva Bharathi

ORDER

The petitioner has come up with the present writ petition for a Declaration, declaring the action of the second respondent in cancelling his passport bearing No.H6678692 issued on 07.04.2010 as arbitrary, illegal, unjust and unsustainable in law and consequently directing the respondents to re-issue the passport with the change of address and with correction relating to his place of birth as Madurai.

2. Heard the learned senior counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The grievance of the petitioner is that he had a valid passport bearing No.B1500631 dated 4.2.2000, issued by the Regional Passport Office, Tiruchirappalli, which was later renewed with No.H6678692 dated 7.4.2010 and while applying for the passport, the place of his birth was inadvertently mentioned as Tanjore, whereas, the actual place of birth is only Madurai. When the petitioner had approached the passport authorities for correcting the place of birth appearing in the passport, to the shock and surprise of the petitioner, his passport was cancelled, even without a prior notice. Hence, the present writ petition has been filed.

4. A counter affidavit has been filed on behalf of the respondents contending that the correction with regard to place of birth of the petitioner could be made only based on a declaratory order from a competent civil court, since the petitioner had requested for change of place of birth falling in far off Districts and the passport application of the petitioner was not refused but, kept on hold, by relying upon the guidelines issued by the Ministry in the Passport Manual. The relevant portion of the counter affidavit reads as follows:-

"In para 6 of Chapter 8 (Regarding change in entries in the passport) in Passport Manual, the Ministry had issued guidelines, which is reproduced as follows:

CHANGE OF PLACE OF BIRTH:

Since applicants randomly write village or town or city as place of birth, it is possible that a person born in a suburb may write the name of the main city itself. Accordingly, PIAs should not contest change of place of birth in courts if the place already recorded in the passport and the one the applicant wants to change fall within the same district or adjoining districts. However, when such change is sought to be made from one state to another; or from India to abroad or vice versa, the case should be examined thoroughly and properly contested in court.

Since the petitioner had requested for change of place of birth falling in far off districts, the petitioner was advised to

obtain declaratory court order from the competent civil court and his passport application was not refused, but kept on hold."

5. Admittedly, the petitioner seeks change of place of birth only within the State i.e., adjoining districts and it is not a case of inter-State change or inter-Country change. Therefore, considering the facts and circumstances of the case, this Court directs the petitioner to submit a representation along with a copy of this order to the respondents within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, with regard to change of place of birth and change of address in the passport of the petitioner, without insisting for any direction from the civil court, within a period of two weeks thereafter.

6. The writ petition is disposed of accordingly. No costs.
rk

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Regional Passport Officer,
No.158/785, Royala Towers,
Anna Salai,
Chennai 600 002.
2. The Assistant Passport Officer,
Passport Sewa Kendra,
Tambaram,
Chennai 600 045.

+ 1 cc to Mrs.N.Siva Bharathi, Advocate SR 7338

+ 1 cc to Mrs.AL.Ganthimathi, Advocate SR 7716

lrs(co)
prk26/2

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