

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19714/2016

M.Sujitha

..

Petitioner

Vs.

1.The Regional Passport Officer
Sasthri Bhavan, No.26,
Haddows Road, Chennai.

2.The Union of India
Patiala House,
Ministry of External Affairs
New Delhi.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to register the correct date of birth 09.07.1986 in the passport and to re-issue the passport to the petitioner.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mrs.Sumita Kumari

Central Govt. Standing Counsel

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that she was born on 09.07.1986 at Chennai and her birth was also registered by the Health Department of Corporation of Chennai vide B&D No.473/89 and her SSLC Mark List as well as the Higher Secondary Course Certificate would disclose that her Date of Birth was 09.07.1986. The petitioner had undergone Graduation at Stella Maris College and vide Sl.No.5878, Department No.03/CM/535 and Admission No.3594, she was issued with a Transfer Certificate stating that her Date of Birth was 09.07.1986, The petitioner applied for issuance of passport and she was issued with a passport on 01.12.2005 and it expired on 30.11.2015 and when the petitioner intended for renewal, she found that her Date of

Birth was wrongly entered as "09.05.1986" in stead of "09.07.1986". She had submitted an on-line application for renewal of passport and it was returned with an endorsement "Date of Birth Correction, Court order required".

3 The learned counsel for the petitioner would submit that since the Birth Register Extract as well as the School records would disclose that the petitioner was born on 09.07.1986, there is no necessity for the petitioner to get Court orders as regards her Date of Birth and prays for appropriate orders.

4 Per contra, Mrs.Sumita Kumari, learned Central Government Standing Counsel who accepts notice on behalf of the respondents would submit that since the Date of Birth, according to the petitioner is wrongly mentioned in the expired passport, her remedy, if any, is to approach the competent civil forum and get a declaration that she was born on 09.07.1986.

5 This Court carefully considered the rival submissions.

6 A perusal of the typed set of documents would prima facie disclose that the petitioner was born on 09.07.1986 and however, in the passport bearing No.F.5649380, issued to her, the Date of Birth has been entered as "09.05.1986". The fact remains that the said passport which was issued on 01.12.2005, expired on 30.11.2015. the petitioner submitted an on-line application for renewal of the same, vide application No.15-1007660151 and it has been returned vide above endorsement.

7 In the light of above facts and circumstances, the Passport Seva Kendra at Coimbatore, shall take up the returned application bearing No.15-1007660151 on file and after giving an opportunity of personal hearing to the petitioner, shall pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8 The writ petition is disposed of with the above direction. No costs.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Regional Passport Officer
Sasthri Bhavan, No.26,
Haddows Road, Chennai.

2.The Union of India
Patiala House,
Ministry of External Affairs
New Delhi.

3.The Passport Seva Kendra
No.25, AGT Business Park,
Avinashi Road, Civil Aerodrome
Post, Coimbatore."

+2 ccs to Mr.K.Balakrishnan Advocate sr.31472

+1 cc to M/s.Sunita kumari Central Standing Counsel sr.31493

W.P.No.19714 of 2016

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