

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE **M. VENUGOPAL****W.P. (MD) No. 10307 of 2016**

Viswambaran

... Petitioner

Vs.

The Regional Passport Officer,
Madurai,
Madurai District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to change the date of birth as 21.05.1960 instead of 20.06.1955 and change the place of birth as "Arayanthoppu" instead of "Pachalloor-Kerala" in the petitioner's passport and reissue the corrected passport within the time stipulated by this Court.

For Petitioner	: Mr.M.R.Sreenivasan
For Respondent	: Mr.D.Saravanan

O R D E R

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. According to the petitioner, while he was at Kerala, he took a passport. It is his case that at the time of making an application, he inadvertently mentioned in the place of 'column of birth', his residence place as Pachalloor and also in the 'date of birth column', it was wrongly mentioned as 20.06.1955 and a passport was issued to him on 11.09.2001 in A9102876. After obtaining the passport, the petitioner went to Muscat for coolie work to eak out his livelihood and while he was at Muscat, his passport was about to expire in the year 2011 and hence, he produced his passport and got it renewed. At that point of time, he informed at the Passport Renewal Office about the mistake in the date of birth and place of birth and he informed him to make an application in India along with necessary documents and he obtained his renewed passport from Muscat.



4. Soon after coming down to India, the petitioner went to Tirunelveli Passport Kendra for making necessary changes in his passport and for re-issue the corrected passport. At that time, after verifying the documents, they informed him that he has to produce the birth certificate. Unfortunately, his parents had not registered his birth at the time when he was born.

5. The petitioner's mother filed Cr.M.P.No.6798 of 2015 before the learned Judicial Magistrate No.II, Kuzhithurai for declaration of petitioner's date of birth and to enter in the birth register of Birth Death Register Office, Painkulam. In fact, the said Cr.M.P.No.6798 of 2015 was allowed on 11.12.2015 and on the basis of the order of Court, his birth certificate was issued.

6. It appears that the petitioner after obtaining the birth certificate, has approached the respondent's Passport Seva Kendra Office at Tirunelveli on 03.05.2016, after making necessary payment of Rs.1,500/- for re-issue of passport. On 03.05.2016, the Office had received his documents and directed him to appear on 06.05.2016 and he went to their Office at Tirunelveli, as per the direction issued and at that time, they informed him to obtain a proper direction from the Honourable High Court for effecting changes in the passport.

7. The plea of the petitioner is that in his driving licence issued on 20.09.1988, his date of birth was correctly mentioned as 21.05.1960 and his place of birth was correctly mentioned as Arayanthoppu Vilai, Thengapattanam, Kanyakumari District. Also, in his family card, his address was correctly mentioned as Aryanthoppu. That apart, in his school transfer certificate, his date of birth was correctly mentioned as 21.05.1960 on 09.05.1985 itself.

8. The sum and substance of the relief sought for by the petitioner in the present Writ Petition is for passing of an order by this Court in directing the respondent/Regional passport Officer, Madurai to change his date of birth as 21.05.1960 instead of 20.06.1955 and to change the place of birth as 'Arayanthoppu' instead of 'Pachallor-Kerala' in his passport and to re-issue the corrected passport within the time stipulated by this Court.

9. In view of the relief sought for by the petitioner in the present writ petition as stated supra, at this stage, this Court, without delving deep into the merits of the subject matter in issue and also not expressing any opinion one way or other, in the interest of justice, simpliciter, directs the respondent to consider the on-line application of the petitioner dated 06.05.2016, on merits and to pass a reasoned order in a free, fair, unbiased and dispassionate manner (by providing enough opportunity to the petitioner by following the principles of natural justice) within a period of six weeks from the date of receipt of a copy of this order. It is open to the petitioner to send his records/documents before the respondent, who shall take into account of the same and to pass necessary orders in the subject matter in issue.



With the above direction, the Writ Petition stands disposed of. No costs.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar (AS)

Sub Assistant Registrar

To
The Regional Passport Officer,
Madurai, Madurai District.

+1cc to Mr.M.R.Sreenivasan SR.29551
+1cc to Mr.D.Saravanan SR.29532

akv
JA-DB-SAR.III/21.6.2016/3P-4C

W.P. (MD) No.10307 of 2016
10.06.2016