

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.01.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.8845 of 2016
and WMP.No.7841 of 2016

A.R.Mohammed Mushtaq

... Petitioner

Vs

The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
4th Floor, Tower III,
No.158, Anna Salai,
Chennai 600 002.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent Officer to make necessary correction in respect of Date of birth column particularly in the petitioner's Passport No.A0915149 dated 10.04.1996 issued at Chennai and expired on 09.04.2006 and to reissue the new passport based on online application dated 11.02.2015, based on Birth Certificate issued by the competent authority and School Transfer Certificate, the date of birth column may corrected as 22.03.1978 instead of 13.07.1974.

For Petitioner : Mr.P.N.Peruvazhuthi
For Respondent : Mr.G.Santoshkumar,ACGSC

O R D E R

The petitioner seeks for a mandamus directing the respondent to make necessary correction in the date of Birth.

2. According to the petitioner, he was born on 22.03.1978. In the passport issued by the respondent dated 10.04.1996, his date of birth was wrongly entered as 13.07.1974 based on an affidavit attested by the Notary Public. The petitioner's correct date of birth is on 22.03.1978. According to him, he has applied for a new passport for Pilgrimage purpose. Therefore, he seeks a direction to the respondent to issue a new passport based on his online application dated 11.02.2015. He has enclosed his Birth Certificate issued by the competent authority and also a copy of the Transfer Certificate. The petitioner now seeks a direction to the respondent to correct his date of birth as 22.03.1978 instead of 13.07.1974 in the passport.

3. The learned counsel appearing for the respondent has filed a detailed counter affidavit, in which it is firstly stated that at the time when the original passport was issued on 10.04.1996 the petitioner's date of birth was shown as 13.07.1974. Secondly, the passport has expired even in the year 2006. Thereafter, the petitioner has not applied for renewal of the passport. After 10 years has lapsed, the petitioner has come forward with this writ petition for change of date of birth, which may not be possible.

4. Heard both sides.

5. No doubt, the petitioner has come belately and this Court cannot direct the authority to change the date of birth. However, this Court can only direct the authority to consider the petitioner's application, in the light of the document produced by him. The petitioner only seeks a passport for pilgrimage purpose. Of course, he used the earlier passport for more than three years containing his date of birth as 13.07.1974. The Department would contend that the petitioner would have changed his date of birth within a period of five years. However, the petitioner has approached the concerned department by filing the said application for change of date of birth.

6. In view of the above facts, the respondent is directed to consider the petitioner's application for altering his date of birth in the passport and pass necessary orders so

that the petitioner's date of birth can be altered as 22.03.1978 instead of 13.07.1974 and such order shall be passed by the respondent within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
4th Floor, Tower III,
No.158, Anna Salai,
Chennai 600 002.
W.P.No.8845 of 2016

+1cc to Mr.P.n.Peruvazhuthi, Advocate SR.No.4200

+1cc to Mt.G.Santhosh kumar, Advocate SR.No.4264

and WMP.No.7841 of 2016

SDR 22.03.2017

सत्यमेव जयते

WEB COPY