

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.01.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.8013 of 2016

Y.Bruhatheesh Kumar

...Petitioner

vs

1.The Regional Passport Officer,
Passport Seva Kendra:Tambaram
Claret Complex, Duraisamy Reddy Street,
Tambaram, Chennai 600 045,
Tamil Nadu.

2.The Regional Passport Officer,
Municipal Water Tank Building,
W.B.Road, Tiruchirappalli,
Tamilnadu.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to rectify the place of birth in the passport issued to the petitioner on 25.01.2016, bearing number Z3506375 to be issued as "Virudhunagar" instead of "Keezhakarai".

For petitioner : Mr.Ranjish Pathiyil

For Respondents: Mr.G.Karthikeyan

Assistant Solicitor General

O R D E R

The petitioner seeks for a mandamus directing the respondents to rectify the place of birth in the passport issued to the petitioner on 25.01.2016 as "Virudhunagar" instead of "Keezhakarai".

2.Heard both sides.

3.It is stated by the petitioner that while he applied for issuance of passport in the year 2007 through his agent, an error occurred in the application while mentioning the place of birth as "Keezhakarai" instead of stating it as "Virudhunagar". It is stated that the said mistake was inadvertently made, without having any intention to do so. Now the petitioner seeks to rectify the mistake by making an application to correct the place of birth in his passport as "Virudhunagar" instead of "Keezhakarai".

4.Learned counsel appearing for the petitioner invited this Court's attention to the Passport Rules, 1980, more particularly, Case No.10 in Table II dealing with list of documents to be submitted. Case No.10, which deals with change/correction of place of birth contemplates the furnishing of documents referred to in Document Nos.5, 41, 42, 56 for effecting the change/correction of place of birth. The relevant documents referred to in Document Nos.5, 41, 42 and 56 reads as follows:

"5. Old Passport in original with self-attested photocopy of its first two and last two pages, including ECR/Non-ECR page (previously ECNR) and the page of observation (if any), made by Passport Issuing Authority and validity extension page, if any, in respect of short validity passport.

41.First class judicial magistrate/Sub-divisional magistrate Civil Court order (if change in date of birth is more than 2 years/in case of conflicting documents/if change in place of birth involves change of State or Country) (In case change of place of birth involves change of country, also attach Document No.7).

42. Affidavit stating the reason for change in Place of Birth.

56.Proof of Place of Birth"

5.Learned counsel for the petitioner submitted that the petitioner has produced all the above said documents before the respondents and therefore, it is for them to consider and effect the change in the passport, as there is no other legal impediment for the respondents to consider the request of the petitioner.

6.Though the learned Assistant Solicitor General, Mr.G.Karthikeyan submitted that the request of the petitioner is not considered by following the earlier circular issued, he is fair enough to state that in view of the statutory position referred to in the Passport Rules, as discussed supra, the case of the petitioner will be considered and appropriate orders will be passed.

7.Considering the above stated facts and circumstances and considering the fact that the petitioner is stated to have satisfied the statutory Rules by furnishing the documents referred to therein, as discussed supra, the respondents shall consider the request of the petitioner for effecting the change of birth place in the passport and pass orders accordingly. Thus, this writ petition is disposed of, by directing the respondents to consider the request of the petitioner for effecting the correction in the passport in respect of the place

of birth of the petitioner and pass appropriate orders after considering the documents submitted by the petitioner as discussed supra. Such exercise shall be done by the respondents within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Passport Officer,
Passport Seva Kendra:Tambaram
Claret Complex, Duraisamy Reddy Street,
Tambaram, Chennai 600 045,
Tamil Nadu.

2.The Regional Passport Officer,
Municipal Water Tank Building,
W.B.Road, Tiruchirappalli,
Tamilnadu.

+1cc to M/s.G.Karthikeyan, Advocate Sr.No.7133

+1cc to M/s.Rajnish Pathiyil, Advocate Sr.No.7120

GMI(CO)

RRK:22.2.2018

W.P.No.8013 of 2016

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