



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A(MD)No.1510 of 2018

AND

WP(MD)8833 of 2016

H.Albert

... Appellant/Writ Petitioner

Vs.

The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
New Thamarai Thotti Bust Stop,
Madurai - 625 002.

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.8833 of 2016, dated 13.11.2017.

Prayer in WP(MD). 8833/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS to direct the respondent to correct petitioners date of birth as 24.3.1964 instead of 14.5.1960 in his passport bearing No.J6978747 issued dated 26.9.2011 by considering his representation dated 5.8.2015.

For Appellant

:Mr.K.Ramamurthy

For Respondent

:Mr.V.Kathirvelu

Senior Counsel/Assistant Solicitor General

Assisted by Mr.S.Ragaventhre

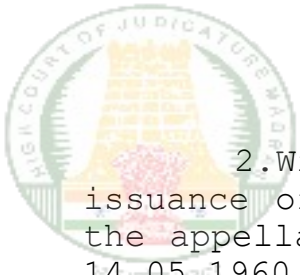
Central Government Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by S.S.SUNDAR,J.)

<https://hcservices.ecourts.gov.in/hcservices/>

This writ appeal is filed against the order of this Court in W.P. (MD)No.8833 of 2016, dated 13.11.2017.



2. Writ Petition in W.P.(MD)No.8833 of 2016 was filed for issuance of a writ of mandamus directing the respondent to correct the appellant's/petitioner's date of birth as 24.03.1964 instead of 14.05.1960 in his passport issued to him, dated 26.09.2011.

WEB COPY

3. It is not in dispute that the appellant was issued with a passport in the year 1982 and it was re-issued in 1992 and in 2002. As on date, the appellant is holding a passport issued to him in 2011. It is admitted that the appellant has applied for passport showing his date of birth as 14.05.1960. However, a representation was made in 2015 to change the date of birth in the passport, on the basis of few other documents. The writ petition was dismissed as the learned Counsel for the appellant/ writ petitioner sought permission to approach the civil Court for appropriate relief. After getting dismissal, the present writ appeal has been filed.

4. This Court do not find any merits in the writ appeal for the following reasons:

a) On the basis of the representation and the request of the learned Counsel for the appellant/petitioner, the Writ Court dismissed the writ petition with liberty to approach the competent civil Court for appropriate relief. The order in writ petition is by consent and hence the appeal is not maintainable. The learned Counsel for the appellant stated that the civil Court has declined to grant the relief on the ground that the High Court alone has got power to grant such relief. This submission cannot be accepted as the Civil Court jurisdiction to declare one's date of birth is not specifically barred by any statute.

b) Having regard to the admitted fact that the appellant who is holding a passport for more than 34 years by showing his identity as a person born on 14.05.1960, has travelled abroad several times and has worked for several years in abroad with this identity, the request of the appellant, after this length of time, cannot be considered by this Court on the basis of his school certificate or other documents relied upon by the appellant.

5. Hence, this Court is not inclined to entertain this writ appeal. Accordingly, this writ appeal is dismissed however, with liberty to the appellant to pursue his remedy before Civil Court in accordance with law.

Sd/
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar(CS-I)



To

The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
New Thamarai Thotti Bust Stop,
Madurai - 625 002.

+1cc to Mr.K.RAMAMURTHY, Advocate, SR.No.94414

+1cc to Mr.S.RAGAVENTHRE, Advocate, SR.No. 94651

W.A (MD) No.1510 of 2018

AND

WP (MD) 8833 of 2016

08.11.2018

CMR

KK/RP/SAR-1/03.12.2018/3P-4C