



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.23607 of 2017

Premkumar

... Petitioner

vs.

1.The Regional Passport Officer
Office of the Regional Passport Office
Bharathi Ula Veethi, Race Course Road
Madurai-625 002

2.The Thasildar
Nanguneri Taluk
Nanguneri, Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the first respondent to accept petitioner birth certificate dated 24.10.1994 issued by second respondent as per the order passed by the learned Principal District Munsif-cum-Judicial Magistrate, Nanguneri, in Crl.M.P.No.5560 of 2014, dated 06.12.2014 and to issue passport to the petitioner's passport application No.MD2069653218316 by considering the petitioner's representation dated 24.04.2017, 12.07.2017 and 13.12.2017.

For Petitioner : Mr.PR Boomee Rajan

For Respondents: Mr.G.Rajaraman

Central Government Standing Counsel for R1

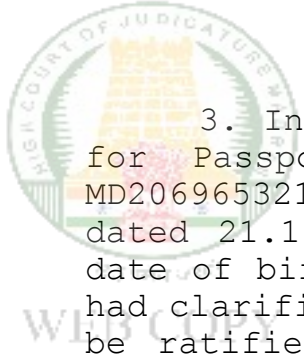
Mr.J.Gunaseelan Muthiah

Additional Government Pleader for R2

O R D E R

The petitioner, who was born on 24.10.1994, was issued with the birth certificate showing his date of birth as 24.10.1995, as registered in the Birth and Death Register of Kalakadu Town Panchayat. Hence, he had filed a petition in Crl.M.P.No.5560 of 2014, before the learned Principal District Munsif-cum-Judicial Magistrate, Nanguneri, seeking for a direction to the second respondent to register his date of birth as 24.10.1994 in the birth certificate.

2. In the National Mega Lok Adalat held on 06.12.2014, the case was settled between the petitioner and the second respondent and consequently, the second respondent had agreed to register the petitioner's date of birth as 24.10.1994 instead of 24.10.1995.



3. In the above circumstances, when the petitioner had applied for Passport on 21.09.2016, the same was taken on file as MD2069653218316. However, the first respondent had sent a letter, dated 21.11.2017, raising a query with regard to the petitioner's date of birth. By a reply, dated 13.12.2017, the petitioner herein had clarified his date of birth to be 24.10.1994, which also came to be ratified by a Court of law. However, since the petitioner's request for issuance of Passport has not been considered till date, the present writ petition has been filed.

4. When the Lok Adalat had passed an Award on 06.12.2014 in Crl.M.P.No.5560 of 2014 establishing the petitioner's date of birth to be as 24.10.1994, the same can be taken as a conclusive proof of the petitioner's date of birth. As such, the first respondent can process the petitioner's application on the basis of the Award dated 06.12.2014 in Crl.M.P.No.5560 of 2014.

5. In the light of the above observations, the petitioner is granted liberty to make a fresh application seeking for Passport to the first respondent and on receipt of the same, the first respondent shall take it on file and take further action in accordance with law, within a period of two weeks from the date of receipt of such application.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai-625 002.

2.The Thasildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

+1cc to Mr.G.Rajaraman, Advocate, SR.No.72089.

+1cc to Mr.PR Boomee Rajan, Advocate, SR.No.72344.

+1cc to Special Government Pleader, SR.No.72348.

W.P. (MD) No.23607 of 2017
10.07.2018

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

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