



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26649 OF 2021

S.Sylvester,
36C, Casa Major Road,
Egmore Near Don Bosco School,
Chennai-600 008.

...Petitioner

Vs

1. Central Passport Organization,
Rep by its Joint Secretary (PSP) and CPO
PSP Division, Ministry of External Affairs,
Room No.8, Patiala House, Tilak Marg,
New Delhi-110001.

2. Regional Passport Office,
Royala Towers, No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai-600 002.

3. Passport Seva Kendra,
Navin's Presidium, No.103,
Nelson Manickam Road,
Aminjikarai, Chennai-600 029.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to issue passport with father's name as Sagayanathan to the petitioner.

For petitioner : Mr.V.Hallel Ben

For respondents : Mr.K.Gangadharan,
Central Government Standing Counsel



ORDER

The present petition has been filed seeking a direction to the respondents to issue passport with father's name as Sagayanathan to the petitioner.

2. The case of the petitioner is that his father was a muslim, who was converted to Christianity before marrying Mrs. Rosalind Mary and changed his name Sagayanathan without carrying out any legal procedure for name change. In the year 2011, the petitioner herein made his passport application, in which his place of birth was mentioned as Coimbatore instead of Wellington, Nilgris. In order to verify the same, the petitioner was asked to produce his birth certificate wherein, the name of the petitioner's father was mentioned as Sheik Mohideen, however, in all other certificates petitioner's surname was mentioned as Sagayanathan except in the birth certificate. Therefore, the petitioner was asked to produce the proof as to the name of the petitioner's father is sagayanathan. Since, there is no legal procedure carried out for changing the name of his father, the petitioner could not produce the same. Left with no other remedy, the present petition has been filed seeking the above relief.

3. Learned counsel for the petitioner submits that the name of the petitioner's father was Sheik Moideen and later he changed his name as Sagayanathan, after he was converted to christianity. Since, the petitioner's parents were uneducated, no legal procedure was carried out by them for changing the name of the petitioner's father. However, the name of the petitioner's father has been reflected as Sagayanathan in all the certificates, except in the petitioner's birth certificate. Hence, this Court may issue a direction to the respondents herein to issue the passport in favour of the petitioner with his father's name as Sagayanathan.

4. Learned Standing Counsel for respondents submits that though the learned counsel for the petitioner claims that the name of the petitioner's father is Sagayanathan, however, there is no proof to substantiate his claim. Hence, the prayer sought for in the present petition cannot be granted. Therefore, this Writ Petition is liable to be dismissed.

5. Heard the learned counsel on the either side and perused the materials available on record.

6. Upon hearing the learned counsel on the either side and on perusal of the materials available on record, this Court is of the considered opinion that no material has been placed



before this Court to substantiate the claim of the learned counsel for the petitioner. In the absence of any material, this Court cannot issue any affirmative direction to the respondents to grant relief as sought for in the present petition. Hence, the prayer sought for in the present petition cannot be acceded to.

7. Accordingly, this Writ Petition is dismissed granting liberty to the petitioner to work out his remedy before the competent forum in the manner known to law. No Costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Joint Secretary (PSP) and CPO
PSP Division, Ministry of External Affairs,
Central Passport Organization,
Room No.8, Patiala House, Tilak Marg,
New Delhi-110001.
2. Regional Passport Office,
Royala Towers, No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai-600 002.
3. Passport Seva Kendra,
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Nelson Manickam Road,
Aminjikarai, Chennai-600 029.

+1cc to Mr.V.Hallel Ben, Advocate for the Petitioner,
S.R.No.68539

+1cc to Mr.K.Gangadharan, CGSC, S.R.No.68400

W.P.NO.26649 of 2021

SMI (CO)
RLP (31/01/2022)