



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.11761 of 2021

D.Abraham

... Petitioner

vs.

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

2.The Assistant Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent in connection with the impugned order of rejection passed by him in his Proceedings File No.MD1077828329714, dated 01.01.2021 and quash the same as illegal and consequently direct the respondents to alter the date of birth in the petitioner's Passport No.M1295008 as 26.09.1976 instead of 26.02.1976 by considering his applications dated 22.12.2020 and 23.01.2021 thereby issue him the Passport within the time limit that may be stipulated by this Court.

For Petitioner : Mr.C.Christopher

For Respondents : Mrs.L.Victoria Gowri

Additional Solicitor General of India

O R D E R

This writ petition has been filed challenging the impugned communication received from the second respondent, dated 01.01.2021, refusing to change the date of birth in the passport that was issued to the petitioner.

2.Heard Mr.C.Christopher, learned counsel for the petitioner and Mr.L.Victoria Gowri, learned Assistant Solicitor General of India appearing on behalf of the respondents.

3.The case of the petitioner is that he was born, on 26.09.1976 and a Birth Certificate has also been issued by the Madurai



Corporation, on 30.09.1976. The further case of the petitioner is that due to inadvertent mistake, the petitioner had given his Date of Birth as 26.02.1976 while he applied for the passport and this Date of Birth was reflected in the passport that was issued and reissued to the petitioner. The petitioner therefore made a representation to the respondents, seeking for the correction in the Date of Birth. The same was rejected by the second respondent on the ground that such a correction is sought for after a lapse of 16 years. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned Assistant Solicitor General appearing on behalf of the respondents submitted that the petitioner had originally applied for the passport along with the Transfer Certificate issued by the College and the Driving Licence and based on the same, the Date of Birth was recorded in the passport as 26.02.1976 and the passport was issued on 13.01.2005. Thereafter, the passport was once again reissued on 19.08.2014 and even at that point of time, the same Date of Birth was entered in the passport. After a lapse of 16 years, the petitioner has come forward to make a representation to the respondents seeking for a change of Date of Birth and it has been rejected. The learned Assistant Solicitor General submitted that the petitioner must submit an appropriate application along with all the relevant records seeking for the alteration of the Date of Birth in the passport and the same will be considered by the second respondent and a decision will be taken for correcting the Date of Birth in the passport. The learned Assistant Solicitor General submitted that such a correction cannot be carried out merely by sending a representation to the respondents.

5.Taking into consideration the facts and circumstances of the case and the submissions made by the learned Assistant Solicitor General, there shall be a direction to the petitioner to present a fresh application to the second respondent along with all the relevant records seeking for correction of Date of Birth in the passport. The second respondent on receipt of the same, shall take the decision within a period of four weeks from the date of receipt of the application from the petitioner.

6.This writ petition is disposed of with the above directions. No costs.

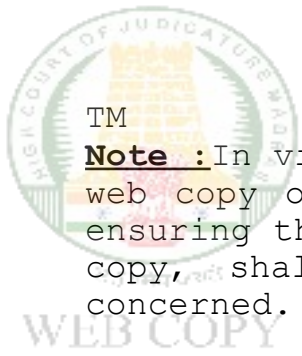
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Regional Passport Officer,
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Race Course Road,
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- 2.The Assistant Passport Officer,
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+1 CC to M/s.C.CHRISTOPHER, Advocate (SR-24136[F] dated
28/07/2021)

W.P (MD) No.11761 of 2021
27.07.2021

CM (CO)

LR (03.08.2021) 3P 4C