



WEB COPY

WP(MD).No.13794 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.13794 of 2021

and

W.M.P. (MD) .No.10767 of 2021

K.Samsudeen

... Petitioner

Vs.

The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for entire records pertaining to the impugned order passed by the respondent vide his proceedings in File No: MD1073209170721 and Letter Reference No:SCN/311059467/21 dated 27.07.2021 and quash the same and consequently direct the respondent to renew his old Passport No.J5654589 with the alterations of the petitioner's name as "SAMSUDEEN", his date of birth as "10.02.1986" and his father's name as "KUPPAI PITCHAI" in the renewed passport within a stipulated time as prescribed by this Court.

For Petitioner: Mr.T.Prabhakaran

For Respondent: Mrs.L.Victoria Gowri

Assistant Solicitor General of India

ORDER

The petitioner herein who had described himself in his earlier passports as Shamjuteen, Son of Shek Gubbapishai had been issued with a passport on 08.12.2004 with that particular name and with the date of birth as 20.10.1980.



2. The passport was claimed to have been damaged and a request was placed by the petitioner seeking reissue of the passport. It was also reissued on 07.12.2014. Thereafter, a further passport was issued which was in force till 26.01.2021. When a further renewal was applied by the petitioner, he sought to change his name, to change his father's name, to change his educational qualification and to change his date of birth.

3. Naturally the respondent, found it quite difficult to accede to such request. If the petitioner had changed his name, that could be understandable since that is a venture normally done and a new passport can be issued in the new name, provided, of course, the name had been changed in accordance with rules and guidelines. But the respondent, can never take upon themselves to also change the name of the father of the petitioner and to change his date of birth. The new educational qualification may be incorporated. That would not change the identity of the petitioner. But change in the name of the father and the date of birth would certainly raise questions with respect to the identity of the petitioner vis-a-vis the earlier identity disclosed by him.

4. It will only be appropriate that the petitioner approaches the civil Court to get necessary declaration with respect to all these aspects. In a Writ Court, such a relief can never be granted. Giving such liberty to the petitioner, this Writ Petition is dismissed. However, the change in the name of the petitioner can be incorporated, provided as stated above, it had been done in manner recognized by law or the petitioner is otherwise able to satisfy that the name originally given was owing to some *bona fide* mistake.

5. A fresh passport can be issued, if necessary documents are provided with respect to change in name and educational qualification which are acceptable. That discretion is vested only with the respondent/The Regional Passport Officer, Madurai Region and I am confident that the discretion would be exercised judiciously.

6. With the above observations, this Writ Petition is dismissed. There shall be no order as to



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costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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

The Regional Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

**W.P. (MD) .No.13794 of 2021
26.11.2021**

TSK(CO)

GC(04.12.2021) 3P 2C