



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P. [MD] No. 3137 of 2022

Murugesan

... Petitioner

/Vs./

The Passport Officer,
Regional Passport Office,
Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent herein to correct the petitioner's date of birth as 30.06.1977 instead of 08.06.1971, in petitioner's Passport No.S 9900260, on the basis of the petitioner's representation dated 22.11.2021.

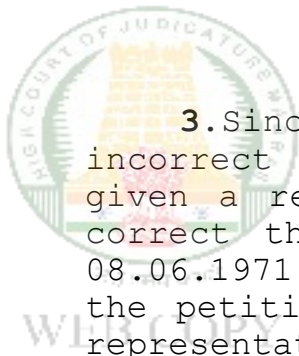
For Petitioner : Mr.S.Deenadhayalan

For Respondent : Mrs.L.Victoria Gowri,
Assistant Solicitor General

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to correct the petitioner's date of birth as 30.06.1977 instead of 08.06.1971, found in petitioner's Passport, based on the petitioner's representation dated 22.11.2021, within a timeframe to be fixed by this Court.

2.The case of the petitioner is that passport was issued to him in the year 2004 at Trichy Office, India. Thereafter, while the petitioner was working in Paris, France, his passport got renewed on 20.11.2019 and it was valid till 19.11.2021. According to the petitioner, his date of birth is wrongly mentioned as 08.06.1971 in the passport issued in the year 2004 as well as in the renewal passport issued at Paris, France on 20.11.2019. Since the petitioner's passport has expired on 19.11.2021, the petitioner has submitted an application for renewal of his passport at Paris, France, recognizing the respondent to incorporate the necessary correction to his date of birth.



3. Since the renewal application was not considered, due to the incorrect date of birth found in the passport, the petitioner has given a representation on 22.11.2021 requesting the respondent to correct the petitioner's date of birth as 30.06.1977 instead of 08.06.1971 and incorporate the same in the passport to be issued to the petitioner, based on the petitioner's application. Since the representation dated 22.11.2021 has not been considered till date, he has filed this writ petition.

4. Heard Mr.S.Deenadhayalan, learned Counsel for the writ petitioner and Mrs.L.Victoria Gowri, learned Assistant Solicitor General, who accepts notice on behalf of respondent.

5. On instructions, the learned Assistant Solicitor General appearing for the respondent would submit that any correction to the date of birth can be done only, if the request is made along with supporting documents, within a period of five years from the date of issuance of passport. According to her, in the case on hand, the passport having been issued in the year 2004, the petitioner's request cannot be acceded to by the respondent now.

6. However, the learned counsel for the petitioner would submit that the passport is renewed at Paris, France on 20.11.2019 and therefore, representation given by the petitioner on 22.11.2021 seeking for correction of the date of birth is still within the prescribed time.

7. However, this Court is of the considered view that no prejudice will be caused to the respondent or the petitioner, if the petitioner's representation dated 22.11.2021 seeking for correction of date of birth of the petitioner in the petitioner's passport from 08.06.1971 to 30.06.1977, is considered and orders passed, on merits and in accordance with law, after affording a fair hearing to the petitioner.

8. Accordingly, this Court directs the respondent to consider the petitioner's representation dated 22.11.2021 seeking for correction of his date of birth from 08.06.1971 to 30.06.1977 in his passport and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



9. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (AD II)

// 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

The Passport Officer,
Regional Passport Office,
Tiruchirappalli.

1CC TO MR.S.DEENADHAYALAN, ADVOCATE SR:7578

DP
26/02/2022
3P/3C

Order made in
W.P. [MD]No.3137 of 2022
Dated: **17.02.2022**