



W.P(MD)No.5936 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5936 of 2022

S.Mohammed Mydeen

... Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Passport Office,
Madurai-625 002.

2.The Passport Officer,
Passport Office,
Madurai-625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to issue fresh passport to the petitioner based on the application No. MD1063551622721 dated 01.09.2021 by considering the representation dated 15.09.2021 within a stipulated time fixed by this Court.

For Petitioner : Mr.K.R.Badurus Zaman

For Respondents : Mr.P.Subbaiah for R1 & R2



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ORDER

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Heard both sides.

2. The petitioner obtained passport in the year 2008. The petitioner's date of birth was mentioned as 21.06.1986. Subsequently, the petitioner applied for correction of his date of birth as 21.06.1989. When verification exercise was undertaken, it turned out that the document originally submitted by the petitioner was a bogus one. Therefore, the petitioner's passport was impounded and the authority did not reissue the passport. Now that led to filing of this writ petition.

3. As rightly pointed out by the learned standing counsel for Government of India, passport is a sovereign document and it cannot be tinkered with. I am more than satisfied that a fabricated document was submitted for obtaining passport in the first instance. In fact, the learned standing counsel for the first respondent rightly pointed out that in such cases, serious view must be taken. It appears that only for some employment purpose, fabrication was done. The petitioner is not having any other bad antecedents. The petitioner through his counsel states that he will be satisfied if the date of birth is retained as 21.06.1986 and not changed. The undertaking given by the petitioner is placed on record. Now the only question that calls for consideration is whether the respondent should reissue passport to the petitioner. It has been held that right



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to travel abroad is a fundamental right. Impounding the passport cannot be for eternity. There is something called the principle of proportionality. For more than 2 years, the petitioner was without passport. The petitioner in his representation has stated that he has employment opportunities in the middle east and only if he goes there for work, he can maintain his family. I am satisfied that deprivation of passport for two years is a sufficient punishment. While the petitioner may have to face the consequences of his act, issuance of passport need not be withheld.

4. The first respondent is therefore directed to reissue the passport to the petitioner subject to fulfillment of other usual formalities. The writ prayer for correction of his date of birth is rejected. The Writ Petition is partly allowed. No costs.

14.12.2023

Index : Yes / No
Internet : Yes/ No
rmi

G.R.SWAMINATHAN, J.



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