



W.P(MD)No.18216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18216 of 2023

Mohamed Baruk

... Petitioner

Vs.

The Passport Officer,
Madurai Regional Passport Office,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to alter the petitioners Date of Birth from the wrong date 12.06.1970 to the actual date 15.03.1974 in his passport vide Passport No.Z4812900 by considering the petitioners representation dated on 01.05.2023.

For Petitioner : Mr.S.Mohamed Ali Jinnah

For Respondent : Mr.H.Lakshmi Shankar,
Central Govt. Standing Counsel.



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24.03.1964 instead of 14.05.1960 in his passport issued to him, dated 26.09.2011.

3.It is not in dispute that the appellant was issued with a passport in the year 1982 and it was re-issued in 1992 and in 2002. As on date, the appellant is holding a passport issued to him in 2011. It is admitted that the appellant has applied for passport showing his date of birth as 14.05.1960. However, a representation was made in 2015 to change the date of birth in the passport, on the basis of few other documents. The writ petition was dismissed as the learned Counsel for the appellant/ writ petitioner sought permission to approach the civil Court for appropriate relief. After getting dismissal, the present writ appeal has been filed.

4.This Court do not find any merits in the writ appeal for the following reasons:

a)On the basis of the representation and the request of the learned Counsel for the appellant/petitioner, the Writ Court dismissed the writ petition with liberty to approach the competent civil Court for appropriate relief. The order in writ petition is by consent and hence the appeal is not maintainable. The learned Counsel for the appellant stated that the civil Court has declined to grant the relief on the ground that the High Court alone has



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got power to grant such relief. This submission cannot be accepted as the Civil Court jurisdiction to declare one's date of birth is not specifically barred by any statute.

b)Having regard to the admitted fact that the appellant who is holding a passport for more than 34 years by showing his identity as a person born on 14.05.1960, has travelled abroad several times and has worked for several years in abroad with this identity, the request of the appellant, after this length of time, cannot be considered by this Court on the basis of his school certificate or other documents relied upon by the appellant.”

4.Respectfully adopting the very same approach, this writ petition is dismissed. No costs.

22.11.2023

NCC : Yes/No
Index : Yes / No
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G.R.SWAMINATHAN, J.

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