



W.P.(MD)No.21319 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.21319 of 2014**

M.Maria Virgil

... Petitioner

versus

1. The Regional Passport Officer,  
Near Water Tank,  
Barathi Ula Veethi,  
Race Course Road,  
Madurai.

2. The Port Registration Officer,  
Cochin International Airport,  
Nedumbachery,  
Kerala State.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 2<sup>nd</sup> respondent pertaining to its order No.A2-LOC/1933/2007/PRO/CHN/AP dated 15.12.2012, quash the same and consequently, direct the 1<sup>st</sup> respondent to release the



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Passport bearing No.H0349099 dated 02.09.2008 to the petitioner within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh  
For Respondents : Mr.S.Jeyasingh  
Senior Panel Counse  
Government of India

### **ORDER**

The petitioner, an unemployed youth, had applied for a passport under Tatkaal Scheme in the year 2008 claiming that he is aged about 23 years old. Since the application was filed under Tatkaal Scheme, a passport bearing No.H0349099 dated 02.09.2008 was issued to the petitioner, without any police verification report. After the issuance of passport, the Superintendent of Police, Kanyakumari District, informed the respondents that the age of the petitioner is 17 years and by suppressing his real age, he has filed his sworn affidavit before the respondents as if he was born on 11.08.1985 and his age is 23 years. Therefore, the petitioner's passport No.H0349099 issued on 02.09.2008 was impounded by the respondents under Section 10(3)(b) of the



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Indian Passports Act, 1967 and the same was also informed to the petitioner through a letter No.MDU/A4 8211/08 dated 17.11.2011 and the subsequent communication dated 15.12.2012 sent by the second respondent with regard to the impounding of the petitioner's passport is challenged in this writ petition.

2. The learned counsel for the petitioner submits that due to poverty and for the purpose of seeking job abroad, the petitioner, on a wrong advice, filed the sworn affidavit as if he was born on 11.08.1985 and his age is 23 years. Now, the petitioner has realized his mistake. Therefore, he requested to set aside the order of impounding the petitioner's passport.

3. The learned Standing Counsel appearing for the respondent submits that the petitioner, who was 17 years in the year 2008, filed his sworn affidavit as if his date of birth as 11.08.1985 and he studied upto 4<sup>th</sup> standard, when the petitioner studied upto SSLC and his actual date



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of birth as per the Transfer Certificate issued by the Government Higher Secondary School, Kanyakumari District, is 30.04.1990. Since the petitioner has applied for passport under Tatkaal Scheme, the passport was issued without any verification and after the police verification report, the respondents have issued a show cause notice and thereafter, impounded the petitioner's passport under Section 10(3) (b) of the Indian Passports Act 1973. He further submits that the passport issued on 02.09.2008 is valid upto 01.09.2018 and the passport is not having any validity as on date.

4. This Court considered the rival submissions and perused the materials placed on record.

5. The petitioner, who was in poverty, on a wrong advice, has filed a sworn affidavit as if he is aged about 23 years, when he was 17 years old. The passport was issued under Takkal Scheme without any police verification. After knowing that the petitioner has obtained



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passport by suppressing his real date of birth, the respondents impounded his passport under Section 10(3)(b) of the Indian Passports Act 1973. Now, the validity of the passport was also over in the year 2018. Therefore, nothing survives in this writ petition.

6. Accordingly, the writ petition is disposed of by giving liberty to the petitioner to apply a fresh passport before the respondents by giving correct particulars. On such application, the respondents shall consider his case sympathetically for grant of a new passport after completing the police verification. No costs.

**14.03.2023**

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NCC : Yes / No.  
Index : Yes / No.  
Internet : Yes / No.

To  
1. The Regional Passport Officer,  
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**B.PUGALENDHI, J.**

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2. The Port Registration Officer,  
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