



W.P.(MD) No.20417 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20417 of 2023

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... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

2.The Tahsildar,
Satchiyapuram,
Sivakasi,
Virudhunagar 626 124.

3.The Inspector of Police,
Q Branch, Cauvery Nagar,
Virudhunagar.

4.The Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.



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5. The Superintendent of Police,
Pudukkottai.

(R3 has been impleaded vide Court order dated 22.11.2023, R4 has been suo motu impleaded vide Court order dated 22.11.2023 and R5 has been suo motu impleaded vide Court order dated 15.12.2023)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to issue passport for petitioner by processing his Application in Reference No. 23-1007266753 dated 11.06.2023 based on the representation dated 05.07.2023 within a time limit stipulated by this Court.

For Petitioner : Mr.I.Romeo Roy Alfred

For R1 & R4 : Mr.K.Govindarajan
DSGI

For R3 & R5 : Mr.A.Albert James
Government Advocate

For R2 : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.



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2.The writ petitioner's parents are Srilankan refugees. But the petitioner was born in Manamelkudi Government Hospital on 15.12.1986. Since the petitioner was born in India before 01.07.1987, she is an Indian citizen by birth. Doubt arose as regards the genuineness of the petitioner's birth certificate. A direction was therefore given for verifying the petitioner's birth certificate.

3.Today, when the matter was taken up for hearing, the Deputy Superintendent of Police, Kottaiappattinam Sub Division, Pudukkottai District, has filed an affidavit categorically stating that the petitioner was born as a daughter of Rakkammal and Anthony on 15.12.1986 at Government Hospital, Manamelkudi, when her parents came to India as refugees from Srilanka and stayed at Manamelkudi Ponnakaram Cyclone Shelter. It has been categorically stated that the petitioner's birth certificate was found to be genuine.

4.The Deputy Superintendent of Police informs the Court that the petitioner was already issued with the passport and that it was handed over



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to the second respondent and it appears from the counter filed by the Inspector of Police, Q-Branch, Virudhunagar that it has been handed over to the District Collector, Virudhunagar.

5.If the petitioner's passport is with the District Collector, Virudhunagar, the second respondent shall procure the same and hand it over to the petitioner herein as expeditiously as possible. If the passport is not traceable, it is always open to the writ petitioner to apply for a fresh passport before the first respondent and the first respondent will cancel the earlier passport and issue a fresh passport.

6.At this stage, the petitioner's counsel states that the date of birth was wrongly entered in the passport. Since the affidavit filed by the jurisdictional Deputy Superintendent of Police states that the petitioner's birth certificate is genuine, the entry in the passport as regards the petitioner's date of birth will also be corrected accordingly. In order to enable the first respondent, the petitioner has to submit a fresh application. This Writ Petition is disposed of in the following terms:



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i) The writ petitioner is declared as an Indian citizen by birth.

ii) The second respondent is directed to return the seized passport to the petitioner.

iii) If such return is not possible, the petitioner is permitted to submit application for issuing the fresh passport and fresh passport shall be issued by the first respondent.

iv) The petitioner is permitted to apply to the first respondent for correction of date of birth and the first respondent shall carry out the necessary corrections.

v) If the petitioner's passport could not be secured, the petitioner shall apply to the jurisdictional police, who shall issue the non-traceable certificate on such application being filed.

No costs.

21.12.2023

NCC :No
Internet :Yes
Index :No

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Satchiyapuram,
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- 2.The Inspector of Police,
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- 3.The Superintendent of Police,
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G.R.SWAMINATHAN, J.

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