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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.189 of 2023

A.Pradeepan ... Petitioner

Vs.

1.The Chief Passport Officer,
Joint Secretary (PSP) and CPO,
PSP Division, Ministry of External affairs
Room No.27, Patiala House, Tilak Marg,
New Delhi-110001.

2.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Trichy-620018.

3.High Commissioner of India
Office of High Commission of India
31, Grange Road,
Singapore 239702.

4.Attache (Passport)
Office of the High Commission of India,
31, Grange Road,
Singapore-239702.

5.Consulate-General of the Republic of Singapore in Chennai
17-A, North Boag Rd, Neelangarai,

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Parthasarathipuram,
T.Nagar, Chennai,
Tamil Nadu 600017. ... 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 fourth respondent to re-issue the amended passport by incorporation the place of birth as Singapore.

For Petitioner : Mr.N.Sundaresan
For Respondents : Mr.K.R.Laxman
Senior Panel Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner's mother was a Srilankan citizen. The petitioner's father is however an Indian citizen. The petitioner was born in Singapore on 17.04.1984. The petitioner did schooling and completed his education only in India. Now, he is working in Singapore. The petitioner is an Indian citizen. He obtained passport from the second respondent. The passport was obtained in the name of the petitioner when he was a minor by his mother. In the passport, the petitioner's place of birth was mentioned as Madurai. When the passport was renewed, the same error continued. The petitioner now has to obtain permanent residential status at Singapore. It was at this stage the

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erroneous entry in the passport came to the notice of the petitioner. He thereupon approached the concerned authorities for correction. When clarification was sought, the Singapore Government (R5) wrote to R4 confirming the assertion made by the petitioner that he was born in Singapore. Since the application submitted by him was not considered, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing Counsel submitted that in the passport manual, the following procedure has been set out:-

> "7.5. In case of applications for change of POB from India to abroad, or from abroad to India, it involves the question of Indian citizenship and fraudulent obtaining of Indian passport. If POB is claimed to be outside India, PIA should confirm (I) if birth registration has been done at the Indian Mission / Post; (ii) if first passport was not issued from abroad, then whether the applicant travelled on the mother's passport; (iii) whether foreign birth certificate is genuine; and (iv) why previous passport was obtained with a wrong POB. In order to obtain immigration quotas based on place of birth or to obtain foreign passports, applicants often try to get their POB changed from India to abroad. PIAs should be wary of such applications and exercise extreme diligence in processing such cases, including carrying out discrete enquiries, before forwarding the same for Ministry's decision."

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4. Prima facie, I am satisfied that the petitioner has made out a case for grant of relief. Of-course, it all depends on genuineness of the certificate of extract from the Registrar of births issued by the Republic of Singapore which has been enclosed at Page No.49 of the typed set of papers. Once the respondents 2 to 4 are satisfied about the same, the corrections sought for by the petitioner shall be granted and the amended passport shall be accordingly reissued. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

15.02.2023

Index : Yes / No
Internet : Yes/ No
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NOTE: Issue Order Copy on 21.02.2022.

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