



W.P No.31705 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P No.31705 of 2019
and W.M.P.Nos.31899 & 31900 of 2019

Sivakumar T.D.

.. Petitioner

-VS-

1.The Union of India
Represented by its
Secretary to the Government,
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan
New Delhi - 110 001.

2.The Union of India
Represented by its
Secretary to the Government
Ministry of External Affairs
Patiala House, Tilak Marg
New Delhi-110 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring Entry 39 of Table 3 of the Passport Rules, 1980 and Entry 7 under Section E of Table 2 of the Passport Rules, 1980 insofar as it requires production of document described under Entry 39 of Table 3 of the Passport Rules, 1980, unconstitutional as being violative of Article 21 of the Constitution of India.



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For the Petitioner : Ms.B.Poongkhulali
For the Respondents : Mr.V.Chandrasekaran
Central Government Standing
Counsel

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.B.Poongkhulali, learned counsel for the petitioner and Mr.V.Chandrasekaran learned counsel for the respondents.

2. The petitioner is challenging the Entry 39 of Table 3 of the Passport Rules, 1980 and Entry 7 under Section E of Table 2 of the Passport Rules, 1980 with regard to the production of documents.

3. Learned counsel for the petitioner submits that the main grievance of the petitioner is that if a male changes the gender to female and vice versa, then the respondents insist on Sex Reassignment Survery Certificate. Form-4 does not require



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production of Sex Reassignment Surgery Certificate.

4. As far as Transgenders are concerned, the respondents have changed the Policy and they do not insist for such a certificate.

5. On the last date, we had asked the learned Standing Counsel for Central Government to take instructions as to whether the respondents would be willing to accept Form-4 for the purpose of change of gender from male to female or vice versa.

6. Today the learned Standing Counsel for the respondents submits that, for change of sex in passports, the policy adopted for Transgenders would be applicable also to the persons who changed their gender from male to female or vice versa.

7. Learned Standing Counsel for the Central Government as such states that, even for change of gender from female to male or vice versa, the production of Sex Reassignment Surgery Certificate would not be necessary under the Passport Rules.



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8. In view of the above, the learned counsel for the petitioner submits that the grievance of the petitioner stands redressed. The writ petition as such is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

29.04.2024

Index : Yes/No
Neutral Citation : Yes/No
kst

To

1.The Secretary to the Government,
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan
New Delhi - 110 001.

2.The Secretary to the Government
Ministry of External Affairs
Patiala House, Tilak Marg
New Delhi-110 001.



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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(kst)

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