



W.P.(MD).No.12315 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.12315 of 2024

J.Bala Singh

... Petitioner

Vs.

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

2.The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

... 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 1st respondent to renew and reissue passport to the petitioner based on his application in File No.MD1076056256923 dated 12.12.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.Sethupathi

For R-1 : Mrs.B.Deepa,
Central Government Standing Counsel

For R-2 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal Side)



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ORDER

This writ petition is filed to direct the 1st respondent to renew and reissue passport to the petitioner based on his application in File No.MD1076056256923 dated 12.12.2023, by accepting his explanation letter dated 10.01.2024.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.The petitioner was issued with a passport in No.D-11319/95 dated 28.07.1995, in which his date of birth was inadvertently mentioned as 30.07.1973. Thereafter, the petitioner was employed abroad and his passport was renewed on 06.09.2005 in which the same date of birth was carried out automatically in the renewed passport No.F-0466558. Now the petitioner had submitted an application to renew and reissue his passport on 12.12.2023, for which the respondents have sent a clarification letter dated 27.12.2023 requiring the petitioner to explain with respect to the adverse police verification report received with the remark as “The applicant submitted identity proof. Applicant's date of birth is different in certificate and identity proof. Hence not Recommended.” On receipt of the same, the



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petitioner had submitted his explanation on 10.01.2024, in which he had produced all his documents which would reveal that his actual date of birth is only 30.07.1978 and none of the documents in his possession would display the date of birth as 30.07.1973. However, the respondents without accepting the said explanation has kept the petitioner's application for renewal pending. Hence, this writ petition is to be filed.

4.The learned Central Government Standing counsel for the 1st respondent, Mrs.B.Deepa on instructions submitted that the contention of the petitioner is that his date of birth in all other documents remain the same is incorrect. The adverse verification report received from the 2nd respondent would reveal that different document exhibits different date of birth. In view of the same, there is a cloud as to his date of birth. If the 2nd respondent gives a clearance in this regard the 1st respondent will not have any impediment to process the petitioner's application for renewal.

5.The learned Government Advocate for the 2nd respondent Mr.K.Gnanasekaran submitted that there is no criminal case pending as against the petitioner which would prove the absence of any criminal antecedent as against the petitioner. However, the date of birth in his



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passport application is stated as 30.07.1973 and the aadhar card produced by him has the date of birth of the petitioner as 30.07.1978.

6.The learned Central Government Standing Counsel Mrs.B.Deepa placed before me a copy of the SSLC mark sheet of the petitioner for my perusal. The said certificate would reveal that the date of birth of the petitioner is only 30.07.1973.

7.However, the learned counsel for the petitioner categorically claim that all his documents would prove that his date of birth is not 30.07.1973, but it is only 30.07.1978. However, this Court is of the considered view that having used the passport with the wrong date of birth as 30.07.1973 for more than 29 years, now the petitioner do not have any *locus standi* to make an application for renewal seeking to change his date of birth.

8.Accordingly, this writ petition is dismissed. No costs.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To

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L.VICTORIA GOWRI, J.

Sml

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