



W.P.(MD)No.18229 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.18229 of 2024

Thiruvenkatachari

... Petitioner

Vs.

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

2.Muthurajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to reopen the petitioner's passport application in file No.MD1075268169923 and take necessary action, by considering his representation dated 10.07.2024 thereby renew and issue passport to him.

For Petitioners	: Mr.P.Ganapathi Subramanian
For 1 st Respondent	: Mr.S.Karthik
	Central Government Standing Counsel
For 2 nd Respondent	: Mr.V.Santha Kumaresan

ORDER

This Writ Petition is filed, directing the 1st respondent to reopen the petitioner's passport application in file No.MD1075268169923 and pass appropriate orders, considering his representation dated 10.07.2024.



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

3.The petitioner's representation was with respect to requiring the first respondent to reopen his passport renewal application and delete the name of his biological father and incorporate the name of his adopted father, namely, Rama Iyengar. The petitioner was given an adoption by his biological father, that is, the second respondent to his own sister, namely Lakshmi Ammal during 1982 and the said adoption was effected by means of a deed registered in book No.4 as document No.45/1982 on 28.01.1982. Thereafter, the petitioner was brought up only by his adoptive parents. In the meanwhile, the petitioner's adoptive parents passed away.

4.Pursuant to their death, the petitioner filed a suit in O.S.No.620 of 2014 on the file of the learned First Additional District Munsif Court, Madurai. The said suit was referred to the Mega Lok Adalath in the category of pre litigation suit. The petitioner had arrayed the District Collector, Madurai and Tahsildar, Thirumangalam, Madurai District, as defendants in the aforesaid suit. When the matter was taken up before the Mega Lok Adalath organized by the District Legal Services Authority, Madurai, a settlement memo was arrived between the plaintiff and defendants therein and the settlement memo was also filed before the Lok Adalath. Recording



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the terms of settlement, the Committee viewed that the plaintiff therein is the sole legal heir as per the adoption deed dated 28.01.1982 and came to a conclusion that the plaintiff therein is entitled to get a legal heirship certificate and directed the authorities to issue legal heirship certificate in favor of the plaintiff therein and directed the authorities to issue a legal heirship certificate to the plaintiff therein. The Tahsildar has also issued the legal heirship certificate on 10.03.2015, for his deceased mother Lakshmi Ammal who passed away on 20.05.1991, certifying that the petitioner is the sole surviving legal heirs of the deceased Tmt.Lakshmi Ammal.

5.On the basis of the same, the petitioner had also effected a gazette publication in Tamil Nadu Government Gazette, published on 03.04.2019, notifying the Lok Adalath judgement dated 06.12.2014, for the purpose of changing the initial of the petitioner from 'M.Thiruvengkatachari' based on his biological father into one as 'R.Thiruvengkatachari', on the basis of the legal heirship certificate. Despite producing all these documents, the first respondent has kept the petitioner's representations pending and hence, this Writ Petition came to be filed.

6.The learned counsel for the petitioner insisted that he is entitled to get his initial changed in his passport, in view of the documents furnished by him to the first respondent.



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7.The learned counsel appearing for the second respondent, that is, the biological father of the petitioner vehemently submitted that he was not a party to the aforesaid award of the Lok Adalath and hence, he had filed O.S.No.325 of 2015 on the file of the learned IV Additional District Judge, Madurai, challenging the Lok Adalath Award in favour of the petitioner for grant of legal heirship certificate of the deceased Lakshmi Ammal dated 06.12.2024 as well as the adoption deed bearing document No.4 of 1982 and the same is pending. Until and unless the said civil suit is disposed of, the petitioner is not entitled to seek renewal of his passport along with his initial changed in the aforesaid passport and pressed for dismissal of the Writ Petition.

8.The learned counsel for the first respondent submitted that the passport was originally issued on 07.11.2003, in the name of Muthurajan Thiruvenkatachari. This is a novel case wherein the petitioner has made a representation, seeking to change the name of father. The first respondent shall abide the order passed by this Court.

9.The learned counsel for the petitioner also placed before me the copy of his PAN card, in which the his father's name is mentioned as Rama Iyengar. He also produced his driving license in which, his father's name is mentioned as Rama Iyengar. I am of the considered opinion that unless and until the Aadhar card matches with that of his application, the Income Tax



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Department of Government of India would not have issued his permanent account number card bearing AKJPM5142N, by mentioning Rama Iyengar as his father's name. In view of the same, I hereby direct the first respondent to reopen the petitioner's passport application in application No.MD1075268169923 and make necessary alternation in the name of his father, by incorporating the name of Rama Iyengar as father's name. However, the same would be subject to the outcome of the civil suit in O.S.No.231 of 2023 on the file of the learned District Munsif, Madurai. The first respondent shall pass appropriate order by considering the petitioner's representation dated 10.08.2024, in line with the above observation within a period of six weeks from the date of receipt of copy of this order.

10.Hence, this Writ Petition is allowed. There shall be no order as to costs.

28.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The Regional Passport Officer,
Madurai,
Bharathi Ula Veethi,
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L.VICTORIA GOWRI, J.

Mrn

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