



W.P(MD)No.15336 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15336 of 2015

Abdul Rahman

... Petitioner

Vs.

**The Passport Officer,
Tiruchirappalli,
Tiruchirappalli District,
Tamil Nadu.**

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to dispose of the petitioner's representation dated 29.04.2015 for an order of correction of date of birth in the petitioner's passport to replace the correct date of birth as 18.09.1960.

**For Petitioner : Mr.A.Mohammed Hashim
for Mr.N.Mohideen Basha**

For Respondent : Mr.S.Jeyasingh



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ORDER

Heard the learned counsel on either side.

2. The petitioner is a holder of an Indian passport. His date of birth has been mentioned as 13.02.1960 in the passport. The passport was issued on 01.12.2013 and is valid till 30.11.2023. According to the petitioner, his actual date of birth is 18.09.1960. He therefore wants the entry in the passport to be corrected. Since his request was not considered, the present writ petition came to be filed.

3. The learned standing counsel for the respondents submitted that the petitioner ought to have been careful while furnishing the particulars at the time of application. The passport is a solemn document and is entitled to the highest respect. If the particulars set out in the passport became unreliable, it will have serious repercussions. The learned standing counsel submitted that the Hon'ble Division Bench of the Madurai Bench of Madras High Court had taken the view that the entries in the passport cannot be casually sought to be corrected. He pressed for dismissal of the writ petition.



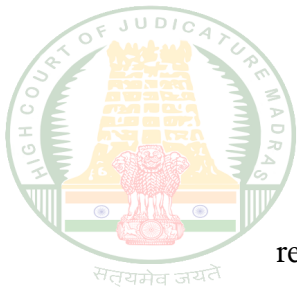
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WEB COPY 4. I carefully considered the rival contentions and went through the materials on record.

5. It is true that the passport is a solemn document and the applicant must offer correct particulars at the time of application. But some times, errors do happen. The petitioner has enclosed his certificate of birth issued by the competent authority and it is seen therefrom that the petitioner was born on 18.09.1960. When the birth certificate has been produced, the passport entry must conform to the birth certificate.

6. The learned counsel for the petitioner drew my attention to the order dated 26.02.2016 made in W.P.(MD)No.6163 of 2016. Paragraph Nos.4 & 5 of the said order read as follows:-

“4. As seen from the copy of the Birth Certificate issued by the Municipal authority, it is clear that the petitioner's date of birth is 16.08.1978. The petitioner (party-in-person) submitted that in an identical case, the Madurai Bench of this Court in W.P.(MD).No.12223 of 2014, by order dated 09.10.2015, gave positive direction, taking into consideration the facts and circumstances of the case, and directed the



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respondent therein (passport authority) to issue passport to the petitioner therein by incorporating his original date of birth within a period of four 4 weeks from the date of receipt of a copy of the order.

5. Following the above said order dated 09.10.2015 passed by the Madurai Bench of this Court in W.P.(MD).No.12223 of 2014, this Writ Petition is disposed of, by directing the petitioner to produce his Birth Certificate and other documents to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to conduct enquiry and pass an appropriate order with regard to issuance of fresh passport to the petitioner, by incorporating his date of birth as 16.08.1978, within a period of two weeks thereafter. No costs.”

7. I am inclined to adopt the very same approach. The petitioner is permitted to submit a fresh application before the respondent. This can be done even at the time of renewal of the passport. The petitioner shall also place the certified copy of the birth certificate before the respondent or the authorities before whom renewal application is submitted. The respondent shall make appropriate correction in the passport so that the petitioner's date of birth as reflected in his birth certificate is entered.



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WEB COPY 8. The Writ Petition is allowed on these terms. No costs.

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NCC : Yes/No
Index : Yes / No
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G.R.SWAMINATHAN, J.

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