

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WA.No. 2050 of 2015

JUDGMENT DATED 13-08-2015 IN WP(C) 24688/2015
.....

APPELLANT(S)/PETITIONERS:

**SOMAN K.N., AGED 50 YEARS, S/O.NANU,
KAVINTE VADAKETHIL HOUSE,
(SREESAILAM)NJAKKUNILAM P.O., VALLICODE,
PATHANAMTHITTA DISTRICT - 689 656.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENT(S)/RESPONDENTS:

- 1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK,
NEW DELHI - 110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, SNSM BUILDING , PETTAH P.O.,
KARALKADA JUNCTION, THIRUVANANTHAPURAM - 605 024.**
- 3. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE BUILDING, PANAMPILLY NAGAR,
KOCHI - 682 036.**

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.2050 of 2015

Dated this the 19th day of October 2015

J U D G M E N T

Shaffique, J

This Writ appeal is filed by the petitioner in W.P.C.No.24683 of 2015 challenging the judgment dated 13/08/2015 by which the learned Single Judge dismissed the writ petition filed by the appellant for correction of date of birth in the passport. Petitioner contended that he had obtained a passport in which his date of birth was shown as 03/04/1960 whereas he was actually born on 15/04/1965. Passport was issued on 26/02/1986. Thereafter, it had been renewed. Petitioner relied upon the Secondary School Leaving Certificate produced as Ext.P4 to indicate his actual date of birth. He had also produced certain records from the Vallicode Grama Panchayat, his driving licence, election identity card etc. He was working abroad and the passport was renewed for quite sometime and ultimately when he came back and sought for correcting the date of birth, he was not permitted and therefore he had approached this court.

2. The learned Single Judge, having found that the certificates cannot be relied upon for correction of the passport,

as no explanation had been offered by the petitioner for having given wrong date of birth before the Passport Issuing Authority, he is not entitled to seek for a direction, as prayed for.

3. Similar issue had been considered by us in **Union of India v. Sunil Kumar [2015(3)KLT 501]** wherein we have clearly observed that under the guise of the guidelines issued by the Central Government, it shall be open for the applicants to approach the Civil Court for getting appropriate declaratory decree and thereafter to approach the Passport Officer. The same benefit will be available to the petitioner. We confirm the judgment of the learned Single Judge to the extent of denying the relief sought for. However, we make it clear that it shall be open for the petitioner to approach the Civil court and get necessary declaratory decree. Thereafter, it shall be open for him to take appropriate steps, in accordance with law.

This writ appeal is disposed of as above.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/19/10/2015

